

RPTS McKENZIE

DCMN NORMAN

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
WASHINGTON, D.C.

INTERVIEW OF: DANA JILL SIMPSON

Friday, September 14, 2007

Washington, D.C.

The interview in the above matter was held at Room
2138, Rayburn House Building, commencing at 12:37 p.m.

Appearances:

For THE JUDICIARY COMMITTEE:

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ROBERT REED, OVERSIGHT COUNSEL

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For DANA JILL SIMPSON:

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Mr. Broderick-Sokol. My name is Sam Sokol. I am counsel for the House of Representatives Judiciary Committee for the majority staff. I want to thank you very much, Ms. Simpson, for voluntarily coming up today to share what you know. I've just introduced myself. Why don't I ask the others here all just to identify themselves for the record as we get started.

Mr. Reed. Robert Reed, Oversight Counsel, Judiciary Committee.

Ms. Lynch. Caroline Lynch, Crime Subcommittee, counsel for the minority.

Ms. Duncan. Priscilla Black Duncan, counsel for Dana Jill Simpson.

Mr. Sandler. Joe Sandler, counsel for Ms. Simpson.

Ms. Simpson. I guess Jill Simpson.

Mr. Broderick-Sokol. You will have another chance to do that in a minute.

Mr. Landoli. Matt Landoli, Congressman Cannon's office.

Mr. Broderick-Sokol. Well, we'll try and proceed quickly, and I hope we won't take too long today. If you need a break at any time, just speak up and I'm sure we can accommodate that. The procedures or the few agreements that there are governing this voluntary interview are set forth

in exchange of -- well, a letter and an e-mail. And I think I'll mark those for the record and then go over them just briefly as we start.

[Simpson Exhibit Nos. 1 and 2
were marked for identification.]

Mr. Broderick-Sokol. Exhibit 1 is a letter from Chairman John Conyers to Priscilla Duncan, dated September 6, 2007, and Exhibit 2 is going to be an e-mail from Crystal Jezierski to an e-mail address H-E-L-Z-P-H-A-R, which is I believe is Ms. Duncan's e-mail, on September 14, 2007.

And the few agreements that there are, basically you will be asked questions today by just two people, myself and counsel for the minority, Ms. Lynch. You'll have an opportunity to review the transcript that's being made and correct any errors in it, and you'll receive a copy of that transcript when it's final. We all agree to hold the transcript confidential and it will only be released by a decision by Chairman Conyers after consulting with both the minority and with you and your counsel.

Your interview today will be under oath. We'll administer the oath in just one minute. So I'm sure you understand that means you'll be subject to the penalty of perjury. I also want to make sure that you and your counsel understand that an interview given to congressional investigators in an authorized investigation like this is subject to section 1001 of Title 18 of the United States Code, which makes it a crime to make any materially false,

fictitious or fraudulent statement or representation in such an authorized investigation.

Ms. Simpson. I understand that.

Mr. Broderick-Sokol. Okay. Now I'd like to ask the court reporter to administer the oath.

THEREUPON,

DANA JILL SIMPSON,

a witness, was called for examination, and after having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. BRODERICK-SOKOL:

Q Just to start with a few personal questions, can you statement your full name for the record?

A Dana Jill Simpson.

Q And you normally go by Jill, is that correct?

A That is correct.

Q Okay. And what is your current place of employment?

A I work for myself. I'm an attorney in Rainsville, Alabama.

Q And how long have you had your own practice?

A Since May of '89.

Q Okay. Where did you attend college?

A The University of Alabama.

Q And law school?

A University of Alabama.

Q And when did you graduate?

A In '88.

Q Can you just run quickly through the jobs that you've had since law school?

A I've really only had one other job. I worked for Bill Veitch when I first got out of law school, but I pretty much went and set up my own practice shortly after I passed the bar. And that's it.

Q Okay. And were you working as an attorney for Mr. Veitch?

A Yes. Well, actually, yeah, I worked for a short time for him as an attorney, but I worked, you know, as a research person for him before I passed the bar.

Q Okay. Great. Now I understand from talking to you and just learning about the matter, that you've had some involvement with politics. Is it correct as it's been reported that you're a Republican?

A It is correct.

Q And you have done work on or in support of political campaigns from time to time?

A That is correct.

Q Can you just identify some of the political campaigns that you've worked on over the years?

A Okay. I guess I would start around 1979 or '80. My sister worked at George Bush Senior's bank in Houston at the

River Oaks Bank & Trust and so she recruited me to help. I mean -- and I don't know how much help, I mean, but I handed out stuff, put up signs and --

Q And I was raising my hand. That's why the witness stopped.

Just to jump in, just to really run through the campaigns. That would probably do it I think.

A Well, I helped with that. He actually came to my community at that time and spoke. So I helped with that.

Then I helped with Ronald Reagan's campaigns when I got in college. And I then got out of law school and there's a period of time where I didn't work for a small short period of time. Then I got back active because my boss Clyde Traylor was good friends -- I had worked when I was -- and I guess I should say that. When I was in law school -- you asked me after law school. But when I was in law school I worked for Lee Clyde Traylor. He is a Republican in our area. By the time I got out of law school, Lee Clyde had gotten appointed to be a judge at that time. He was real good friends with Perry Hooper. In fact, they claimed they were only one of the three Republican lawyers in the State at that time -- him and Bob French, who was another lawyer in my community, which I don't believe they were actually the only three Republican lawyers, but that's what they claimed. But they recruited me to help with Mr. Perry

Hooper's campaign. I did a little bit of work on that. Nothing on a formal basis. Then Perry Hooper actually came to our community and we threw him a big celebration afterwards.

And then I worked for the Rileys. And when I say "worked," it was just volunteer stuff that I did. And most of it -- I was not one that attended meetings and things of that nature. Rob was a friend and would ask me to do specific things.

Mr. Broderick-Sokol. Let me interrupt you for one second. We've had another person come into the room. Would you identify yourself just for the record

Mr. Flores. Daniel Flores with the House Judiciary Republicans.

The Witness. And Rob would ask me to do specific things, and I was up here in Washington doing some stuff sporadically, and additionally --

BY MR. BRODERICK-SOKOL:

Q Any other campaigns?

A I helped Roy Moore when he was running for the Supreme Court judge, and then I helped with Roy's campaign in the spring of 2006 for the gubernatorial campaign.

Q Okay. That's great.

A And then I helped some -- I had started back helping with Governor Riley's. I had called Toby Roth -- and I

think it was August -- to help with Governor Riley on some stuff, but in the office. And then from there -- and I sent that letter that I've told you about that, so I mean --

Q Well just to jump in. We'll have a chance to walk through all the events relevant to the Siegelman and Scrushy matters and why we're here today.

A Really, I guess it was a letter.

Mr. Sandler. Just answer the questions.

BY MR. BRODERICK-SOKOL:

Q It can be a long day in these interviews, and we're all going to try to keep it -- do our best to keep it as short as we can. So I'm going to --

A I want to say one other thing. And then I worked in George Bush's campaigns just as far as helping with my general way I help, which is putting up signs and things of that nature.

Q Yes. And did you work for both of his Presidential campaigns?

A I did. But I was more active in the first than the second because, I explained to you, that I had lost the baby in the second, so that year --

Q Sure. As we talk -- and I will just say that we have spoken before. I interviewed you at some length, as I think everyone here is familiar. But if you refer to things that you may have said to me, it may make for a confusing

record because not everyone here knows. I mean -- I may not know what you're referring to. So it will probably be more constructive, one, if you stick, if you can, to the information that I'm asking you directly about in the questions, and if you are thinking of things that you know we have talked about, to just recite them.

A Okay. That will be fine.

Q I think the record will be shorter and more understandable for future readers that way.

Did you ever work on any campaign of Don Siegelman?

A Never.

Q Okay. I do want to turn now to the 2002 Riley Siegelman campaign and the events that you ultimately described in the affidavit that you signed on May 21. You did some work for the Riley campaign, as you said before. Can you describe some of the work that you did for that campaign?

A I would talk to Rob directly about strategy.

Q And that's Rob Riley?

A That is correct.

Q Okay. What else?

A I would help if he asked me to help on specific things. I was not a phone worker or anything of that nature. I did help get signs out in the community. He would ask me -- he would hear that Don was coming to the

area of where I was located at.

Q In what area was that?

A DeKalb and Jackson County. I lived -- at that point I had a house in both DeKalb and Jackson County, on the lake.

Ms. Lynch. I'm sorry. Could you spell DeKalb for me?

A D-E capital K-A-L-B.

Ms. Lynch. Thank you very much.

The Witness. He would ask me to try to follow Don Siegelman to try to obtain some pictures.

Q And did you do that? Did you follow Don Siegelman for some time when he visited your area?

A I would traditionally -- I guess you could say I followed him to specific events.

Q And did you ever formally volunteer for the Riley campaign? Did you fill out any volunteer registration forms or send them any -- you know, sign up on a list?

A No.

Q Most of your contact was with Rob Riley directly?

A That is correct.

Q And that's the son of Bob Riley, who was the candidate for Governor?

A That is correct.

Q How did you know Rob Riley?

A I knew him from college at the University of

Alabama.

Q Now I would like to get to the telephone conversation that you described in your affidavit. I understand that at some point you were asked to find out why Riley campaign signs were being taken down or disappearing in in your area. Who asked you to do that?

A Rob.

Q Did he ask you that over the phone, or was that in person?

A I believe he asked me over the phone.

Q And what did you do to figure that out?

A Well, he had told me that he thought campaign signs was missing, was coming up missing. And he was suspicious that Parker Edmiston might be involved.

Q And who was Parker Edmiston?

A He was an attorney in Jackson County.

Q Okay. And did you know Mr. Edmiston?

A Yes.

Q Okay. And at some point did you get the idea that these signs were to be put up at a Ku Klux Klan rally?

A I got the idea because Rob told me that.

Q And did you go to that rally?

A I did.

Q And what did you see?

A When I got there, I saw a bunch of folks there,

unusual bunch of folks, actually, but if you've seen the video -- but I just went to watch and see what was happening.

Q Did you see Mr. Edmiston?

A I did. He appeared.

Q And what did he do?

A I think the first time that he appeared -- because he made several trips, and the video doesn't show all of it. But the first time that he appeared, I saw him with -- I don't know, five or six, seven, eight signs, something like that. I'm not exactly sure how many signs he had.

Q Riley signs?

A Riley signs, which was surprising.

Q He was a Democrat?

A He was a Democrat.

Q Okay. And did you see him put some of those up?

A I did. I watched him go around the gazebo.

Q Okay. Now at some point, as you describe in your affidavit, you end up on a telephone call, which at least in part discussed those signs?

A That is correct.

Q And why don't you tell me how you came to be on that call?

A Okay. Here's the deal. I went to the rally on the 16th and I took the pictures. I was supposed to call Rob

first thing on Monday morning about those pictures because they had somehow gotten information Parker's going to do it. They wanted to know first thing on Monday morning about those pictures.

Q Just to interrupt, I think I didn't ask you this before. But the rally was over the weekend?

A It was on a Saturday, yes. It was on the 16th --

Q Go ahead. Sorry.

A -- of November.

Anyway, I decided over the weekend that I would confront Parker about those pictures before I called Rob. And I had a court case that morning anyway, over in Jackson County I believe, because I think I had something over there. And so I went over to the courthouse, and I hunted Parker. And I believe it was a court case. I may have been getting a judge to sign an order, I'm not certain, but I had something to do in Jackson County. I did my business and I remember going in the clerk's office and I asked them if they had seen Parker, and they pretty much told me that Parker had already been in there showing them the pictures. And I thought, oh, no. So --

Q Okay. And did you talk to Parker?

A I did. I finally located Parker in the courthouse. He had a group of attorneys that were surrounding them -- him. He was telling a story about the pictures, and he was

pretty much holding court in his own little -- you know, about -- and was providing a most entertaining story.

Q And the pictures showed a Riley sign up at a Klan rally?

A And Parker was contending that Bob Riley had a Klan rally.

Q Okay. And how did you get from there to the phone call with Rob Riley and others?

A Well, at that point I asked Parker a question. I said, What are you doing with those pictures? Because I -- and he, of course, didn't know. But I wanted to know if he had just showed them there. But he had a group of folks. I said, What are you going to do with those pictures? And he said that he was going -- that they were already on the Web site, that he had put them up -- he didn't say he put them up on the Web site. He said that they had been put up on a Web site. I want to make sure I'm specific on that. But that they were on a Web site. But I don't think he said he did it. I think he just said they had put them up on a Web site. And I realized at that point that I probably just needed to go ahead and call Rob because he had already got them up on a Web site.

So I asked Parker if I could have a couple of -- I told him I was going back to DeKalb County. I had a couple of people I would like to show. Could I have a couple of his

pictures, too? So he gave me a couple of his pictures also.

Q Okay. You said, talking about Parker, that he didn't know. Did you mean that he didn't know that you had seen him put up the signs?

A He had no idea that I had seen him put up the signs, and I did not enlighten him. I just listened to his story.

Q I understand. So you called --

A He thought I was going to spread the news when I took the pictures.

Q Right. So you called Rob?

A I go out to my car and called Rob.

Q From your cell phone?

A From my cell phone.

Q And did you reach him directly?

A I did. And I think they were -- because he told me, we've been waiting for your call.

Q And who was "we"?

A He had people in his office, some of which are unidentifiable.

Q To you?

A Right. And so he just said in plural, we have been waiting. And I don't know who he was talking about, the "we" at that time.

Q When you spoke to Rob, were there other people on the line?

A Yes. He got Bill Canary on the line and Terry Butts on the line. And I believe that the Governor was there also, but he didn't say anything. And that's what I've always told in my story. But I can't say, because there was some mention that somebody was in a parking lot and that they would -- and I don't know where that parking lot -- I don't know if it was Rob's parking lot or where it was. But after we started talking, they all got a real hoot and a howl about the Democrat. And there was more people laughing and cutting up in the background than was on the line, so to speak.

Q Okay. Had you been on a call with Bill Canary before?

A Rob had called me about those pictures and about that Klan rally. And he said that that was Bill Canary that was with him, asking me to go to take the pictures of the Klan rally.

Q He called, and someone else was on the line that Rob identified as Bill Canary?

A Right.

Q And this was before you went to the -- this was when they were asking you to go?

A Right.

Q Okay. Had you been on a call with Terry Butts before?

A No.

Q So did he introduce himself or did Rob introduce him, if you remember?

A I just remember that they at one point put me on a speaker phone, and I could hear a roomful of people and they said, this is Terry Butts or Terry identified him. I can't say who identified him, whether he did it or they did it, but somebody identified that that speaker was Terry Butts.

Q Okay. And part of this call, as you have described, was your describing the Klan rally, your encounter with Parker Edmiston. You also end up, as you describe in your affidavit, talking about Governor Siegelman and whether or not he would concede?

A That is correct.

Q Okay. Why don't you describe what was said about whether or not Don Siegelman would concede the Governor's race?

A Terry Butts said in the conversation that he believed that he could confront Don Siegelman regarding the signs and get him to concede the election. He believed that Don would concede over that by the 10:00 news so as to avoid any embarrassment. And Terry also said -- and it's not in my affidavit, because you can't put every single solitary word. Terry said, you know, I knew Don back when I was a Democrat. Terry was the one who was a Democrat and then he

flipped to being a Republican. So he said that he -- he claimed that he'd be able to assure Don that this would all be over if he would just concede. Pretty much. And I mean, that's the general statements. I mean, he made a couple of statements, but that's the general premise of it. I can't say that that is verbatim, but that's the gist of the conversation.

Q Let me stop you for a moment. You are looking at something now that I have not identified as an exhibit.

A That's my affidavit. I just wanted it in front of me in case y'all referenced it or whatever.

Q Sure. We'll be marking it as an affidavit. If you are more comfortable with it there, that's your choice. My preference would be --

Ms. Lynch. Could we mark it now if she's going to be looking at it?

Ms. Simpson. If they want to look, I figured they would be referencing it, paragraph --

Q Jill, let's go ahead and mark that as an exhibit. I'm going to ask some questions, and I want you to search your recollections and think of everything you recall. I understand that drafting the affidavit was a particular act, and we'll discuss that and things you included, things you may not have included. But we're also interested in the full story of what you recall, sitting here right now. So

this is going to be Exhibit 3.

[Simpson Exhibit No. 3
was marked for identification.]

BY MR. BRODERICK-SOKOL:

Q Other than the markings at the bottom right, which are numberings that we applied to all the documents you have produced to us, and they start at Simpson 1 and count up sequentially through the documents we've received, this is a copy of the affidavit that you ultimately actually are describing some of the events that we are discussing?

A That's correct.

Ms. Lynch. I hate to interrupt. But I would like to go on record as saying if there's any way to obtain a copy of this affidavit that has the legible signature and date. I think if you take a look at it, you will notice that the copies that we have, we can faintly make out a signature, but cannot make out a date or the name of a notary and all. So I guess the question would be either to Ms. Simpson or counsel.

Mr. Broderick-Sokol. Sure. One thing I can do, when you produced -- could we go off the record?

[Discussion off record.]

Mr. Broderick-Sokol. We briefly discussed the documents that Ms. Simpson had produced off the record, and I noted that the version she sent up electronically,

including the affidavit that we have marked as an exhibit, have spots that are faint or more difficult to read. And we have better to read copies up here in the committee already of all the documents, I believe all of them.

BY MR. BRODERICK-SOKOL:

Q So to proceed, we were discussing the call, and I think it -- can you read back the last answer?

[The reporter read back the question.]

Ms. Simpson. I think my last sentence was that Don -- Terry claimed that he would be able to assure Don that it would all be over if he conceded. And I believe that was what my last sentence was, prior to us going on this venture?

BY MR. BRODERICK-SOKOL:

Q Okay. And did someone express a concern that the picture should be made public anyhow to prevent having an impact on Mr. Siegelman's political future?

A They did. And that was Rob Riley.

Q Okay. And what did he say about that?

A He said that he felt they should go to the press with the pictures, but there was some disagreement about that.

Q Okay. And what was that disagreement?

A Bill Canary said that in order, basically, to get this over with, that not to worry, that Don -- that his

girls would get him. Let's just go ahead and get this election contest over with, I guess would be the best way, you know. Because Rob kept saying, I want Don Siegelman not to run. They were talking over each other in that particular -- I don't want to face -- we don't want to face Don in running again in the future.

And Bill said -- and that part didn't exactly make it into my affidavit. But Bill said, "Rob, don't worry. My girls are getting him, will take care of him." But he said, "Let's get this election contest behind us."

Q I understand.

A And Rob was going, well, I think we need to go to the press. So there was some kind of conversation about that.

Q As you've said. And by him, Bill Canary meant Don Siegelman; that's what you understood?

A Yes. He said not to worry about Don Siegelman; you know what I mean?

Q Yes.

A That his girls would take care of him.

Q And did you know who Bill Canary's girls were or what he meant by that?

A I was not sure. I knew at some point Rob had told me that his wife -- but on that particular day, I asked. And that's not in here because -- but the next sentence is

of what pretty much Bill said, because I was like, Who's your girls? And then --

Q I'm sorry. So you asked the question, you asked Bill Canary who his girls were?

A I just said, Who's his girls? For the general -- because there was a room, and there was people on the line. And I'm not sure how they were all added, but I know that there was a speaker phone and we added some people into the conversation. And where their locations were at, I'm not certain.

Q And so what was the answer to that question?

A He told me somebody -- and I believe it was Bill Canary -- identified, as I recall, saying Leura's my wife, Jill. She works for the middle district of -- and then Alice Martin works for the northern district. And I think there was some mention also of being a USA attorney. I know there was some mention of being a USA attorney, but I think there was some mention that Bill had helped Leura -- I mean Alice-- run for office before in that --

Q Before Alice Martin was the U.S. attorney, she ran for political office?

A Yes. Because I'm like, well, what's y'all's connection to Alice Martin, or something like that, because they named her. But then I asked.

Q Okay. And what happened next?

A Rob was still very concerned. Rob really believed that they should tell the press. And what you need to understand, the press -- from what I understood that day, from what they told me, is they were already calling about that on the Web site. There's a whole lot of people in Alabama that saw that, the photos on the Web site. It was making --

Q The photos of the Klan rally?

A Uh-huh. So they were already getting calls, and Rob thought they would to go ahead and address it. Canary -- and this is general, what I'm saying. But Canary didn't -- my interpretation was he did not really think that they should go to the press; that they just needed to use it and let Terry go see him and get Don to concede.

Q Okay. And did Rob ask something about if they were sure that Bill Canary's girls could take care of Don Siegelman?

A Yes, they did.

Q Can you describe that part of the conversation?

A Well, what he said -- Bill Canary told him not to worry. He had already got it taken care of with Karl. And that Karl had spoken to the Justice Department and the Justice Department was already pursuing Don Siegelman.

Q And did you know who he meant by Karl?

A I did.

Q Who did you think he meant?

A Karl Rove.

Q Did he ever say Karl Rove?

A No. But I knew from conversations that I had had with Rob that Bill Canary was very connected to Karl Rove. Additionally, there was some talk -- and that's not in my affidavit -- about Karl had -- about Washington; that Karl had it taken care of in Washington. I mean, as I said, I couldn't put everything down. I put the best I could, but I didn't write every single word that occurred in that. So I understood that to be -- and the only Karl I knew involved in Rob's conversation was Karl Rove. So that's how I understood it.

Q And what was the additional talk that you say isn't reflected here about Washington?

A Well, the additional part of that was, as I understood, Karl had been over to the Justice Department.

Q There is some reference -- he had physically gone there?

A That's what I understood.

Q How did you know that?

A I think they mentioned it. They said he had spoke to the Justice Department. And somebody in the room said, When did he? Or, What happened exactly? And he said, Oh, he went over there and talked to him in Washington. So I

mean, there was no question in my mind.

Q Did they say who he talked to?

A No. And I have no idea.

Q And as you were hearing the conversation and understanding it at the time, leaving aside the precise words that you used in your affidavit, but did you understand them to mean that Karl Rove was encouraging the prosecution?

A What I understood, or what I believed Mr. Canary to be saying, was that he had had this ongoing conversation with Karl Rove about Don Siegelman, and that Don Siegelman was a thorn to them and basically he was going to -- he had been talking with Rove. Rove had been talking with the Justice Department, and they were pursuing Don Siegelman as a result of Rove talking to the Justice Department at the request of Bill Canary.

Q Did anyone mention, or did you have an understanding as to when Karl Rove had spoken to the Justice Department?

A It had already happened. It was not something that Bill Canary was promising. I understood that Bill Canary -- because Rob kept saying, Well, I want to go to the press. And Bill said, Look, I know pretty much all about this. The Justice Department's already pursuing Karl. And that was the general gist of it. Not Karl, Don. And that Rove was involved, and that they had been working on it for some

time, and I got the impression it had been going on for some time.

Q Okay. How did that call -- well, was there anything further said about Don Siegelman, about -- strike that.

Was there anything further said about the Justice Department or possible criminal prosecution of Don Siegelman on that call that you can remember?

A There were people chattering in the background, but I can't say what they were saying. They had discussions going on over there, too. So with that, I can't say specifics on what they said.

Q Okay. And how did that call end?

A They were to call me back. I was going to have to go to Fort Payne to see a circuit judge, and they were going to send somebody, and they were going to have to let me know how they were sending somebody to get the pictures. And they didn't have that worked out in their head at that time. And then I -- so --

Ms. Lynch. Can we stop?

[Discussion off record.]

BY MR. BRODERICK-SOKOL:

Q Did you ultimately provide the pictures to someone from the Riley campaign?

A I did.

Q And did Don Siegelman ultimately concede?

A He did.

Q Okay. And did he concede that very day?

A He conceded that very day.

Q I'm going to mark a couple more documents now. I think this is going to be Simpson 4.

[Simpson Exhibit No. 4
was marked for identification.]

Mr. Broderick-Sokol. This is a 2-page document of telephone records that Ms. Simpson has provided to the committee. And the first page is marked Simpson 490, and the second page is marked Simpson 489.

BY MR. BRODERICK-SOKOL:

Q On the top of the first page there's a number -- well, what is this first page?

A This first page is my Farmers wireless cellular bill.

Q Is your cell phone number somewhere on this page?

A Yes. It's the 899-3600. I have multiple cell phones at any given time, depending on -- because I represent different folks, and some of them even provide me a phone.

But I also have 3601 and 3606. And I sometimes am charging one. I'm never without a cell phone. So --

Q Okay. And on the bottom of this page, there's -- well, is the call that you describe with Rob Riley and Bill

Canary and Terry Butts listed on this page?

A Yes. It's the 11:18.

Q So there's a call at the very bottom dated November 18 at 10:52 a.m.?

A That is correct.

Q That call lasted for 11 minutes?

A Right.

Q Okay.

A And then you've got another page attached to that.

Are you asking me about that page too?

Q I'm not asking you about the next page right now.

A Okay.

Q I'm going to -- hold onto that one because we're going to go back to it.

A That's what I'm trying to figure out, what I need to do with it.

Q The next document is a -- this is a stack of documents that you also provided to the committee. The top one is Simpson 558. They are not in Bates order.

[Simpson Exhibit No. 5
was marked for identification.]

BY MR. BRODERICK-SOKOL:

Q I will describe that these are a selection of documents that I have pulled from what you provided us that are letters between you and Rob Riley and various clients or

other individuals. That is how I understood them.

Is that an accurate description of what these documents are?

A It is. And this is not all-inclusive. I asked my secretary to pull out of a couple of drawers, documents -- because I mean we've got drawers full of them. But I just asked her to pull out a couple, since he had claimed he didn't know me basically in a newspaper article.

Q So the record is clear, I did not pull -- I did not pull all of the documents that you had sent as examples. And your testimony just now was that you have even more that you did not even send in to the committee because you were just picking samples?

A And this is -- basically it looks like what -- I told my secretary when she pulled from the drawers, I don't even think she pulled from -- I think if you could see the blacked-in stuff, you would see it's just a couple letters of the alphabet. I just told her to pick any drawers, closed drawers. We put our files in the drawers at the office. So she picked those, and I told her to try to get a couple from 1998, '99, 2000, 2001, 2002 and so forth, because he had done that article that suggests he didn't really see me any during that time.

Q Okay. And the earliest one we had in this group I have selected is June 1998, and they run through 2004. Did

you have business dealings of this kind with him before '98?

A Sometime after I did my TWA 800 case, he got started trying to get me to do cases with him, and so -- because he had heard I had some big cases that I had settled, and he was in a large firm in Birmingham, and I had been referring them out. I can't say what year I started with him. I just had my secretary pull out of two drawers, but it was sometime after the TWA 800 disaster, because I did a case involving that.

Q Okay.

A And he heard about that. And that's kind of how he started pursuing me to be a referring attorney.

Q Okay. I just want to look at a few pages of Exhibit 5. The first page, I guess there's a telephone number for Rob Riley's office in the letterhead, 205-870-9866. Do you see that?

A That is correct.

Q Do you want to go back to Exhibit 4?

A Yes.

Q Just so the record's clear, what is the phone number for the November 18 call?

A It is 205-870-9866.

Q Okay. And does that number -- why don't you turn to the second page of Exhibit 4, the phone records.

A Yes.

Q Well, what is this page?

A This page -- why did I offer it? Is that what you mean?

Q Well I'm asking what it is. It looks like a telephone billing record.

A It's a phone record and it's one of -- I have four or five, I think approximately, because I've got computer lines and all that, telephones. I'm not really sure how many telephone lines, but this is one of the telephone lines in our office that I have.

Q Okay. And I think it will just be simplest if I just note for the record that that same number appears in several places.

A That is correct.

Q On this page.

A But I believe some of them other Birmingham numbers are Rob's numbers.

Q Which ones do you think might be that?

A I think the 5000 number is.

Q 205-879-5000?

A Yes.

Q And that's the bottom number on the page?

A I think maybe that 205-824-3117. I'm not certain on that, but I believe that it may be a campaign headquarters number, but I'm not sure. I had Rob's home phone numbers, I

had his parents' phone numbers. And I don't do business in Birmingham. Most of the Birmingham numbers in some way in my phone records involved the Rileys. I have one girlfriend from college who lived in Birmingham and so I had her cell numbers. But other than that, I believe most of the Birmingham numbers are his or are headquarters numbers because, you know, they run multiple lines in volunteer centers and things of that nature. But I can't track all those numbers.

Q That's extremely helpful. And if you will just flip -- I'm sorry -- to the other, Exhibit 5 now. Yes, that larger stack. And just so we can see, if you go about seven pages in, there's a document, Simpson 532. It looks to be a fax cover sheet. I think that may be it in front of you.

A Yes.

Q And what is the office telephone number for Rob Riley's office on that one?

A It's the 5000 number.

Q Okay.

A That matches the phone.

Q And I'd like to ask you about one more document that's in the stack. It's Simpson 550. It's about two-thirds of the way through. It looks to be a complicated document that looks to be a printout of an e-mail that was faxed to someone else and also has some handwritten notes on

it.

A That is correct.

Q Okay. And the general substance of this appears to be an effort to get a Senator to send a letter. I'll read the first two sentences of the e-mail. "I've been talking with Robby from Hutchinson's office. He has offered to try to get the Senator to send this letter." And the letter has to do with getting payment on a FEMA matter.

A That is correct.

Q Can you read the handwritten note that's at the top?

A "I e-mailed this to" -- and that's the client's name -- "then Karl and Stewart today."

Q Hold on. Oh, I e-mailed -- sorry. You are reading it. Sorry.

A I say the blank is the client's name that I can't disclose. But it says, I e-mailed this to the client's name, Karl and Stewart today.

Q And then it says Rob?

A Yes, that's the note he sent me.

Q You didn't read the beginning which is "To Jill."

A Yes.

Q Is this Rob Riley's handwriting?

A Yes, it is.

Q Okay. And the Karl that is referenced here -- well, let me ask about Stewart. Who is the Stewart that's

referenced here?

A Stewart is a lobbyist that works for the Federalist Group.

Q Here in Washington, D.C.?

A Yes. And they've now been bought out by Ogilvy.

Q This matter was an effort to collect on a FEMA contract?

A That is correct.

Q And the Karl that is listed here, do you know who that is?

A I believe that is Karl Rove.

Q And why do you think that's Karl Rove?

A Rob -- what Rob would do for us occasionally, he would ask me to do little odds and ends for him, such as follow Don Siegelman and stuff. And then he for me occasionally would -- if I needed somebody to write a letter to speed up a client getting a check or whatever, he would see if he could find somebody that would help me with that. And it was not uncommon for him to talk to Karl Rove and Stewart Hall about that because he would make reference to it.

Q You had heard Karl Rove's name come up before in conjunction with matters like this?

A Yes. And basically what we would do, we would help to write the letter that we wanted or he would help to write

it. He would send it to me for me to approve, then he would send it to Stewart and our -- or whoever. And they would -- and Karl -- and then they would attempt to get it approved. You know, I mean get somebody to do it.

Q Great. Could we go off the record briefly?

[Discussion off the record.]

RPTS KESTERSON

DCMN ROSEN

[1:30 p.m.]

Q What I'd like to do now is we've -- Ms. Simpson, you sent a DVD up to the committee along with materials and we have that playing on a laptop computer here. And I'd just like you to look at it briefly to understand -- or to tell me if this is video of the Klan rally that you attended on that -- Klan rally that you observed on that Saturday the 16th.

A It is. And I do want to state for the record that is the only one I've ever attended.

Q I apologized as soon as it came out of my mouth. And we're not going to watch the full -- more than an hour, I think, of video that we have here. But you've reviewed this closely and you described that it shows Parker Edmiston putting up the signs?

A That is correct.

Q Okay. We'll just play it for a minute to see.

A I'll probably help you because he comes from this direction over here.

Q Are you familiar enough to know if it is soon that he appears?

A Yes, it is pretty soon. It is about 12:58 he shows

up on the site. I had to go a few minutes early because -- I'm not certain. I think you may see him in a second or two or a minute or two. He has already got one sign up. There was already one sign up, but -- and I don't know how that had gotten there.

Q As we're watching, it shows folks in confederate gear -- there is not actually any Klan regalia. But does that show up later?

A That shows up later. Basically this is when they first start to set up. Now, here comes Parker. And you don't yet see him. When I first saw this videotape -- because I didn't get this videotape until a couple of weeks ago. And when -- I thought it is not going to show his face, but it shows you him as pretty as can be.

Q Is that him right there?

A That is Parker.

Q I'll describe the white gentleman with grayish hair and a sweatshirt of some kind with a logo over the chest and a red T-shirt or something underneath?

A That is correct.

Q Putting up a couple of rally signs?

A I saw that very scene -- I took pictures of it and I did not do the videotape. The cops had actually done the videotape. But that's how it starts, what he did that day.

Q Thanks very much. And we're going to mark that DVD

as Simpson 7 -- 6.

A And that is not all inclusive of what he did. There is actually more signs.

Q I understand. Well, that was very helpful. I'm very sorry. Simpson 6 is the DVD. Okay. We're getting that right now to mark.

[Simpson Exhibit No. 6
was marked for identification.]

BY MR. BRODERICK-SOKOL:

Q How did you come to obtain that video?

A I got a call from an individual who was connected with the Scottsboro Police Department. I had a spouse that was connected to the Scottsboro Police Department and said that the Scottsboro Police Department -- that they had heard I had been trying everywhere to find a videotape. I had been to the Jackson County Sheriff's Department several times. I gave my pictures away to the Rileys, so I didn't have proof of that, even when I made my affidavit. But I knew that it had been videotaped because I had knowledge of that from being there that day and also -- but I did not know who the videotapers were. When I talked to the reporter, he said a videotaper was the sheriff's department. But I've tried to obtain pictures from the sheriff's department and a videotape and they contended they could not find them.

Approximately 2-1/2 weeks ago, after having been beat black and blue in the Alabama press, a call in my office comes in at 7:00 approximately at night and it is a woman who says do you know that the Scottsboro city police has five hours of videotape that shows exactly what you are saying has occurred. And I said no, but who has got it, you know. And so she proceeded to tell me and I said why are you calling me about it. And she said, I want you to have a copy of it. So I said, okay, how can I get it. And she said I will bring it to you.

Q And is that what happened?

A That what happened.

Q And who was that?

A She asked me and I talked to the Alabama bar when she handed it to me. People from the sheriff's department -- I mean, the Scottsboro Police Department gave it to her, but she asked me -- she said that -- she said I'm your client now, here is the pictures and that's what she did. That's the video and that is what she did.

Ms. Lynch. That is not sufficient to establish attorney/client relationship.

BY MR. BRODERICK-SOKOL:

Q Let's try something different. Would you prefer not to name the person?

A I'd prefer not to name --

Q It is a voluntary interview and I don't have a problem or strong need to know myself. That's fine. But it was --

A It was my understanding that she had obtained it through the Scottsboro City Police Department.

Q Okay. That's fine.

A But she brought it and she didn't want to be involved. So --

Q That's fine. Okay. After Governor Siegelman conceded the 2002 election, what was the next time you spoke to Rob Riley about that governor's race?

A Some times late November or December. I believe it was December, but I'm not sure. I mean, I -- after he conceded -- I may have spoke to him -- I don't know exactly, November or December.

Q Okay. And did you have a conversation with him about Mr. Siegelman's decision to concede?

A Yes, I did.

Q Can you describe that conversation?

A I understood from what Rob told me that Terry Butts talked to Mr. Siegelman and some of his campaign people is what I understood. And in that conversation basically, Mr. Siegelman had been offered to go ahead and concede, that the pictures would not come out and that they would not further prosecute him with the justice department.

Q So your statement is that Rob Riley told you that Terry Butts had essentially given Don Siegelman two messages, this business about the Klan rally and the democrat putting up the signs would go away and the threat of prosecution from the justice department would go away?

A Yes.

Q If what, if he conceded?

A If he conceded. And I actually kind of put that in my affidavit too. I don't know that you want me to refer to it.

Mr. Sandler. Just answer the questions now.

The Witness. Because Terry -- part of when we had been talking about that -- but anyway -- had -- that day that we talked on the phone had involved Terry said, you know, basically everything is going to be over, he is going to give Don assurances everything is going to be over.

Q Back in November when you were on the phone, you heard Terry say the assurances he was going to give Don were everything and you understood that --

A And I asked --

Q What did you ask?

A I asked Rob about if it was going to all be over for Siegelman when we had the call in December, just talking to him, I said what have they done on the other case, the other cases.

Q And what did Rob say?

A He said in that -- at that time that everything was going to be over and they did, I reckon for 14 months afterwards it was over from what I understand. But that's not -- I can't say that from personal knowledge, but --

Q Okay. I understand what you are saying, that as -- look, you don't see Siegelman was prosecuted for some substantial period of time.

A Right.

Q Where -- where were you if you remember when you had this conversation with Rob Riley?

A I had phone calls with him and you've asked me this before. And I saw him during that time because he saw clients. He would come to my office regularly to see clients and stuff. So the thing is this, I just don't recall, you know, exact location of where I was. I'm not sure -- I think we had actually several communications about, you know, Don Siegelman and Terry Butts going and talking to him. But I can't say a specific date or time or place.

Q Could they have been on the telephone or do you believe these conversations were in person?

A I really believe they were on the telephone, but I'm sure that when he came to the office, we probably laughed about it also. So --

Q Okay. And you say as I understand what you're saying, the memory you're describing may be what you learned from Rob Riley over the course of more than one conversation?

A Yeah, I've thought about it quite a bit. We -- I mean, this is something we -- right around that time, we talked about several --

Q And looking at that sort of the -- I guess the sum of your recollections from those conversations, is there anything else you remember that you haven't described here about this kind of confrontation between the Riley campaign and Siegelman and the issue of the -- the possibility that he might be prosecuted if he didn't stay out of politics?

A I just know that Rob pretty well indicated to me that Terry had talked to him and made these assurances. I didn't necessarily believe they were going to live by them because I -- if Don got back in the race, I think, you know -- I said, well, what if Don doesn't follow that and Rob said I think -- as I recall -- he basically said well, if he doesn't, you know, they'll prosecute him. So --

Q And did Rob ever tell you if he was present with Terry Butts when Mr. Butts spoke to Siegelman or folks from Siegelman's campaign?

A From what I recall, I understand that Terry Butts did this all by himself. And I don't know how he did it. I

just recall that Terry did whatever he did by himself.

Q When Rob was telling you those thing, he would had to have been relying on what Terry Butts or somebody else would have told him?

A Right.

Q I'd like to move forward in time now. Did you have another conversation with Rob Riley about politics and Don Siegelman in the early part of 2005?

A I did.

Q Okay. And how did you come to be talking to Rob Riley that day?

A I went -- I adopted a baby -- you know, I lost a baby December 25, 2003 and then 2004, I didn't work a lot during that year because I was so depressed over losing the baby and I told you about that in 2005, I adopted a baby on January 9 and I was so excited because I had missed being out so much that I shopped a lot during that time because I wanted to buy baby stuff.

Q A baby will do that to you.

A And I ended up going to Homewood, which is probably the nicest place you can shop for baby stuff in our state which is right -- the street runs right into Oxmoor Drive or whatever that street is that Rob is on and he was like a block or so from where I had been shopping for the baby. And I wanted to take by and show a picture of the baby. Rob

had not been in the office during the month of January, and I wanted to stop by and show him a picture of the baby. And so I left my shopping after I had bought a bunch of stuff and went by to show him a picture. I had a picture of the baby in my hands, you know, where you hold it. And so anyway, I stopped by his office and we started gossiping.

Q And did you discuss the 2006 gubernatorial election that was coming?

A Yeah. I mean, you know, it always rolled around to politics any time we got together and who knew what. He asked about some politicians up in my area. I think I mentioned first, you know, the -- you know, what is going to happen in the 2006 election. There had been some talk at one time originally that Rob might run after his daddy's first term, but Bob liked the job so much, he wanted to stay in it according to Rob. So we were talking about that. Then we got to talking about who was in the field, who was going to be running. We talked about Lucy Baxley and her weaknesses and how we could hit her, you know, with what we could run with on that.

Q Is she a Democrat or a Republican?

A She is a Democrat.

Ms. Lynch. Could you say her last name again?

The Witness. Lucy Baxley.

BY MR. BRODERICK-SOKOL:

Q And did you talk about Don Siegelman?

A And we talked about Don Siegelman.

Q And what did Rob Riley say about Mr. Siegelman?

A That Don Siegelman was the biggest threat that we had. Don Siegelman -- Rob, he had several names for him, but one of them was the golden child. Don Siegelman is kind of like a golden child for the Democratic party in our state. So, anyway -- and is an incredible fund-raiser. So he was talking about who we thought he might raise funds with. And then he said that he -- I said, well, you know, he is not supposed to run again, but, you know, Alice Martin, I had like, you know -- we discussed Alice Martin messing up the case in Birmingham.

Q Okay. Let me stop you there. Before talking about Siegelman, you discussed Alice Martin messing up the case, but Siegelman running -- you discussed Alice Martin's prosecution of Mr. Siegelman up in the Northern District of Alabama?

A Uh-huh. And we start talk -- we really -- we talked about Lucy Baxley and then started talking about Don Siegelman. And, of course, the first part of our conversation was that Alice Martin had miserably messed up convicting Don.

Q Yep.

A And also we talked a little about the fact that Don

had -- there had been a poll done somewhere in 2003. And based on communications I had with Rob -- but I didn't have many in 2004. Don had decided to run before he was -- Rob and them had when he was going to run, even though he had assured Terry Butts from what I understood that he was not going to run. And -- so Alice Martin on the last day or whatever that she could convict him, she pretty much -- she filed paperwork to prosecute him.

Q And this is all in the discussion you had with Rob Riley, you learned all the things you're telling me now from Rob Riley?

A I had not been in the loop that much in 2004. So we were discussing how Alice had gotten this case, because I was, like, how did -- you know, how did, you know, she -- what caused her to bring that case? I thought she wasn't going to bring it, you know. And we were having a discussion about that. And he said they had gotten some wind of the fact that Don was going to run again. But she messed up the case. And then she got Judge Clemon who did not believe in criminal intent. We had a discussion about Judge Clemon not believing in criminal intent and that the case got thrown out sometime in the fall of that year. And Rob was kind of telling me the gossip about that deal.

Q These are things that had happened the year prior when you had been somewhat out of the loop as you had said,

you weren't working or doing other things for personal reasons?

A And so, anyway, he was telling me all of the things that Alice had done as far as having messed up the deal. And then I -- and that since she had messed it up, he was definitely running, you know what -- I mean -- and then he proceeds to tell me that Bill Canary and Bob Riley had had a conversation with Karl Rove again and that they had this time gone over and seen whoever was the head of the department of -- he called it PIS, which I don't think that is the correct acronym, but that's what he called it. And I had to say what is that and he said that is the Public Integrity Section.

And I read in the paper since they call it PIN, but he called it PIS. So anyway, I said at the time that, you know, what happened -- you know what I'm saying? So -- but they had a conversation with Karl and then Karl, it is my understanding, then went over to the Public Integrity Section and talked to the head of it.

Q About what?

A About Don Siegelman and the mess that Alice Martin had made and it was my understanding in that conversation after that conversation that there was a decision made that they would bring a new case against Don Siegelman and they would bring it in the Middle District, which is not my

district where -- you know, you and I have had that discussion, I do not practice -- I am admitted to the Middle District back but that is getting pretty far afield from the location of my office.

Q Okay. And who -- when you say they had made a decision, who are you thinking of?

A Whoever that head of that Public Integrity -- the PIS was as Rob referred to it. And then whoever -- and Karl Rove.

Q And what -- well, from talking to Rob, this conversation you're describing for me was in late January, early February 2005?

A That is correct. Right after -- I was home with the baby for about 3, 3-1/2 weeks or so, and then I started getting out because I wanted more baby clothes and more baby stuff. So --

Q And is your understanding, then, that the conversation between Bob Riley and Bill Canary and Karl Rove would have occurred sometime in 2004?

A I understood -- whenever Alice's case was over -- which we had the discussion -- I don't know when it was over, but I think it was in October or September from what I've been told. But sometime between when that case had ended and when -- and I kind of understood from what --

Q And when you were talking?

A Yes, and when I was talking. And I kind of understood it had occurred before Christmas, but I don't know, November or December. But --

Q But it could have been any time --

A It could have been any time during that time.

Q Okay. And did Rob give you the name of the person at -- I'm just going to call it Public Integrity -- that he thought he understood Karl Rove had spoken to?

A No, he said it was the head guy there and he said that that guy had agreed to allocate whatever resources, so evidently the guy had the power to allocate resources, you know.

Q To the Siegelman prosecution?

A Yes. And that he'd allocate all resources necessary.

Q And did Rob -- well, did you discuss anything else about the reason to bring the case or the decision to bring the case in the Middle District?

A Oh, yes.

Q And what is that?

A I asked Rob why we needed to bring it in that area. And, of course, he mentioned Leura Canary, Bill Canary's wife, would be a good reason as to why to bring it. But he also mentioned Mark Fuller.

Q And who is Mark Fuller?

A Well, at that time -- I had heard about Fuller, but I've never met Mark Fuller so, you know. But Mark Fuller is the Chief United States Federal judge for that district.

Q Had you heard his name before Mark mentioned him?

A Yes, I had.

Q What did you know about Fuller then when Rob mentioned him that day?

A In 2001 and 2002 when I was up here trying to -- helping with the campaign and trying to collect the money on the -- the FEMA deal you read about, I made several trips up here for that. We would meet over at Stewart Hall's office, the Federalist Group. And I brought clients with me too. And I had one particular one that came a lot, but he would bring an entourage of folks who was involved in that FEMA deal. Well, anyway, Rob and Stewart and I had several discussions about these cotton tractors that do the storm work. I represent folks without naming any identities, but they predominantly do one kind of work and it is natural disasters or manmade disasters. And when you do a storm cleanup, you can make, like, 20, 30 million, 15 million in a 60-day period, a large percentage of the time. Rob and Stewart were fascinated by that because they knew Mark Fuller who had been -- Mark Fuller had been at Alabama with us because Stewart Hall was at Alabama when I was at Alabama.

Ms. Lynch. I'm going to object right now. I'm confused about -- are we still talking about a telephone conversation with Rob Riley?

The Witness. This was not a telephone conversation.

Ms. Lynch. I think the question she is responding to was still in regards to what was said to her or by her.

Mr. Broderick-Sokol. The question she is responding to now is what did you know about Mark Fuller when Rob Riley mentioned him.

Ms. Lynch. We're still getting there?

Mr. Broderick-Sokol. We're circling around to it.

The Witness. But anyway, I'll come --

BY MR. BRODERICK-SOKOL:

Q You're giving us a lot of how you know as opposed to what you really knew about Mark Fuller, which is what I want to understand. Why don't you start with -- you had just mentioned college, that he had been at Alabama. Is that what you had understood?

A With Stewart, me and Rob at the same time. But I did not know Fuller at college. They claim I knew him, but I don't recall him.

Q What is your recollection?

A I do not recall him. But they proceeded to tell me that Fuller has all these contracts, but his contracts are not the same type of contracts as mine. They were amazed

that my clients could get these cleanup large sum, whereas Fuller was getting large contract, but he was doing more what I consider to be maintenance on aircraft and fuel contracts, aviation kind of stuff which was not anything I was familiar with. It really sounded kind of like an oil job or doing government contracting.

Q So you knew that he had some business doing these contracts, you have learned this from Rob Riley and Stewart, whose name I'm not remembering.

A Hall.

Q And Stewart Hall. Thank you. Over that period, did you know he was a federal judge when Rob mentioned him to you that day?

A He wasn't a federal judge in 2001 and 2002. And, no, on 2005 on -- when Rob and I were in the office, no, I did not.

Q Okay. But when Rob mentioned Mark Fuller -- well, did Rob tell you he was a judge at that time?

A Rob, asked me, do you remember Fuller and I, it took me a minute and I said, yeah, I remember Mark Fuller. He said he is now a federal judge. I said she that guy that did those aviation contracts, and that's how I -- that's how I connected him.

Q Okay. And in that conversation in 2005, did you talk about Mark Fuller's business dealings in government

contracts?

A We did.

Q And what did you learn at that time?

A Rob told me that Mark Fuller was still a government contractor in 2005 and a United States Federal judge, which I found unusual.

Q Did he discuss with you any of the types of contracts that Mark Fuller was working?

A Yes, he did.

Q What did he say about that?

A He said that Fuller was doing fuel contracts, that he was doing maintenance contracts, that he was doing clothing contracts. He -- he makes flight suits. So you know. And he had Air Force and Navy and that he was -- did contracts with the FBI.

Q Okay.

A And I think the ATF, but -- I'm pretty sure he said the ATF also, but I'm not sure.

Q And did he talk to you about Mark Fuller's politics or political work?

A He did.

Q What did you talk about in that regard?

A I asked him -- he made a statement that Fuller would hang Don Siegelman. And I asked him how he knew that, if he got him in his court. And he said that Fuller was -- had

been on the Executive Republican Committee at Alabama -- in Alabama before he been a judge and he also told me about a backloging case, which is what you call the salary spike. He called it the "backloging."

Q Why don't you describe that?

A I had never heard the term "backloging." So I had to ask Rob what backloging was. Evidently from what I understand, Fuller had an employee when he was at the DA's job, before he got to be a job in Coffee and Pike. And he had two employees, a secretary and an investigator. And during his term of being DA, somehow that investigator wasn't making your typical salary, he kicked it up. And Rob got to telling me that there was an audit done, a couple of audits, I think, and that Fuller just hated Don Siegelman and thought he was responsible for these audits on those salaried employees and that there was something involving a backloging because they go back to figure your retirement and there was something kind of backloging deal. But I didn't fully understand it at that time.

Q And did he say any more about what Don Siegelman had to do with those audits that put Mark Fuller out?

A He said that Don Siegelman had caused Fuller to get audited. That's what Fuller thought. He hated him for that.

Q And this comment that he is going to hang Don

Siegelman, is that -- was that Rob Riley speaking or was he relaying something he had heard from someone else?

A I don't know. You would have to ask him.

Q Did you have any understanding -- well, did Rob say that anyone had spoken to Mark Fuller about the Siegelman case?

A I understood that Rob Riley believed that Mark Fuller would get that case.

Q That is not exactly responsive and you may not know. But did Rob Riley say that anyone had actually spoken to Fuller about getting the case?

A No.

Q Did he say how he knew -- did Rob say how he knew they could get the case to Fuller?

A He said Mark Fuller would be the one who would be that judge?

Mr. Sandler. The question was, did he say how he knew that in the conversation.

The Witness. No. And I didn't ask how he knew.

BY MR. BRODERICK-SOKOL:

Q Right.

A I mean --

Q I understand.

A Some questions are better not asked. So --

Q Take one second to look through my notes before

moving on.

Mr. Broderick-Sokol. Can we go off the record?

[Recess.]

BY MR. BRODERICK-SOKOL:

Q Just really the last area I have to cover is your decision to draft the affidavit that was marked as Exhibit 3. At some point in 2006, did you call Don Siegelman's legal team with the information that you had?

A I did.

Q Who did you call?

A I called Redding Pitt's office.

Ms. Lynch. Could you say that again?

The Witness. Redding Pitt. I may have said it with an S. Redding Pitt. I don't know him that well. So -- but I never met him actually.

BY MR. BRODERICK-SOKOL:

Q Did you talk to anyone from his office?

A I talked to a secretary, but she put me straight through to voicemail.

Q And did you get a call back?

A He never called me back.

Q And at some point, did you end up discussing that the information you had on the Siegelman and Scruschy case with a lawyer named Joe Espy?

A I did.

Q Who is Mr. Espy?

A He was a lawyer for Lowell Barron.

Q How did it occur to you to talk to Mr. Espy about these matters?

A In the fall of 2006, a Riley campaign person came by my office wanting me to meet with the governor at a -- his birthday party out at Randy and Kelly Owens' house, who Randy sings in the band Alabama and Randy's bandmate, Teddy Gentry is my ex-brother-in-law, although he is still my brother-in-law. I mean, we get along. I see my ex-husband every day. But anyway, the thing is this, the governor was having a birthday party out there and they wanted me to meet with them to talk about some campaign stuff. And this lawyer asked me to do some things I did not feel comfortable with.

Mr. Sandler. This lawyer who?

The Witness. He was a disbarred lawyer at that time actually, but he had been a lawyer.

Ms. Lynch. Can I clarify? Was that the campaign worker or --

The Witness. The campaign worker is the lawyer. He was a disbarred lawyer working in the Riley campaign with a guy named Gerald Dial. And that lawyer's name was Hoyt Baugh.

Mr. Broderick-Sokol. Okay. He asked you to do

something you were not comfortable with.

Mr. Sandler. Hold on a second. I'm not clear on the record. The disbarred lawyer's name was --

The Witness. Hoyt Ball. Anyway as a result of that, I ended up calling Joe Espy.

BY MR. BRODERICK-SOKOL:

Q Why Mr. Espy?

A I called Doc Barron, who is the brother of a senator that they had asked me to do this work for, a state senator. And Doc called Lowell Barron and Lowell called Joe Espy. And then they asked me -- it got back down the food chain somehow for me to call Joe Espy.

Q Was Joe Espy a lawyer representing any of these people?

A He represented Lowell.

Q Okay.

A And I told Joe -- all I had told Doc Barron is they asked me to do something I felt uncomfortable with and Lowell needed to be aware. And then, of course, I get this phone call back that they want me to talk to Joe Espy. When I talk to Joe Espy, he recommends that I talk to the Bar. So I ended up calling the Alabama Bar and talking to them about this also.

Q And we're not talking -- we're not talking about the Siegelman-Scrusby prosecution. You're talking about

something they asked you to do that made you uncomfortable, you asked the Bar about that at Joe Espy's suggestion. How did you come to be talking to Joe Espy about the matters that ultimately end up described in your affidavit?

A The Bar said that I could talk to Joe Espy, so I called him back and I told Joe Espy what they had asked me to do. Joe Espy felt it was illegal, I believe. I mean, he indicated that to me. And, anyway, at one point he says good God, why would they ask you, Jill Simpson, lawyer from Rainsville, to do this. And I said, well, I'm the one who took the pictures when Don Siegelman conceded and I said I'm sure you know about that because you represented Mr. Siegelman back at that time. And Joe Espy said, no, I don't know about those pictures, but what are they pictures of?

Q Let me stop you there. Joe Espy represented Don Siegelman?

A Yes.

Q When did he represent Don Siegelman?

A In the election contest in 2002.

Q Okay.

A And I knew that because of having worked with Rob and volunteering.

Q Did you describe the pictures for Joe Espy?

A No. When I realized he didn't know, I decided that

I wasn't going to tell him what was in those pictures at that point. In that conversation. I did later on, but not in that conversation.

Q Okay. When did you end up telling him the things that you knew that would show up in your May 3rd -- your May 21st affidavit that we've marked?

A In January -- end of January, first of February of 2007. That conversation had occurred in 2006 and that -- there was a case that pursued -- I told Joe Espy -- and this might help. I don't know. I told Joe Espy they were fixing to file a suit because that disbarred lawyer had asked me to be involved in something illegal in that. So there was an ongoing suit. So I talked to him. And when the case was being dismissed is the date that he got back on the pictures.

Q Let me -- he got back on the pictures?

A He got back on the subject.

Q And what did he ask you?

A He said, Jill, the case is about to be over with the senators. And he said, so, I really have no conflict in -- you know, you can tell me this and I'd have client confidentiality if you told me kind of what the gist of this was with these pictures. I won't ever tell anybody is basically -- I can't say exactly what his words were, but he said he would not ever tell. But he really wanted to know

what those pictures were of. And he was speculating. His mind was in the gutter and I finally just told him what the pictures were of.

Q Okay. And did you tell him about the conversation that you were on as well?

A I did.

Q About trying to pressure Mr. Siegelman to concede?

A I did.

Q Did you tell him about the reference -- did you tell him about the Bill Canary statement that had been worked out with the Justice Department?

A I told him pretty much the story.

Q And --

A I did not tell him about Fuller.

Q And what did he say?

A I just told him -- I mean, I did not tell him about Fuller and the 2005 conversation. I didn't see that was a need at that particular point.

Q Okay. And what did he say to you once he learned that information?

A What?

Q What was Mr. Espy's reaction to that information?

A Basically he felt I had an ethical duty to call the Bar and tell them what I knew about that.

Q Why did he think that?

A Because he thought that.

Ms. Lynch. I'm sorry. I'm going to object. Did he actually state his thought or are you just speculating to what he thought?

The Witness. I hate speculating anyway. He just told me he felt I should call the Bar. I'm not going to get into what his mental impressions were.

Mr. Broderick-Sokol. Absolutely. And thank you.

BY MR. BRODERICK-SOKOL:

Q So what did you do?

A I called the Bar.

Q And what did they say?

A They said that I should probably talk to Mr. Scrushy's attorney because in that conversation we had talked a lot about Terry Butts who had represented in addition to Mr. Canary, we had talked about Terry Butts, who had represented governor Riley and had also represented Mr. Scrushy. And I knew from some of that conversation, you've not asked me that question, a couple of other things about that. So the Bar said that I needed to call Art Leach.

Q What did you know about Terry Butts representing Mr. Scrushy?

A I knew from things that Rob had told me that Terry Butts would go back and tell the governor things, even

though he acted like they weren't friendly, he would tell --

Mr. Sandler. I'm sorry. This is -- your question was whether Terry Butts had represented Richard Scrushy?

Mr. Broderick-Sokol. Yes.

The Witness. Yes, he represented Richard Scrushy.

BY MR. BRODERICK-SOKOL:

Q In what case?

A In the Don Siegelman-Richard Scrushy case.

Q The criminal case at that time is pending in the middle district of Alabama?

A That's correct.

Q Okay. And Rob had previously told you that Mr. Butts was doing what?

A He would occasionally tell stuff about what was going on with Scrushy's case.

Q To who?

A To Bob.

Ms. Lynch. Bob?

The Witness. Riley.

BY MR. BRODERICK-SOKOL:

Q And when did Rob Riley tell you that?

A I can't say for certain the dates. I mean, I didn't write them down. It was just gossip.

Q But was that in that same January 2005 -- late January, early February 2005 conversation?

A It would have been sometime in the early part of 2005, but I can't say or -- I really can't say a date because I -- I'm hesitant because, I mean, he mentioned that several -- I mean, he mentioned -- he mentioned that Terry Butts was -- he, at one point, mentioned to me that Terry Butts was going to be representing Scrushy, whenever that happened, that's what he mentioned. And then he said that Terry Butts had told him X, Y, Z. And I didn't really write down what Terry Butts had told. So, you know, I can't say specifically what they said, but, I mean, I knew that there was discussion.

Q Okay. Did you go to the Bar after you spoke to Joe Espy as he had suggested you should?

A Yes, I did.

Q And what did they tell you to do?

A Call Art Leach.

Q Who is Art Leach?

A He is an attorney for Scrushy.

Q And did you call Mr. Leach?

A I did.

Q And can you describe the conversation you had with Mr. Leach?

A I told him what had occurred about the Klan rally and the phone call.

Q And did you tell him about Judge Fuller?

A He asked me -- Art told me, he said Jill, you know, this is an interesting story. He said, is there anything else you know -- because if I was you, if I knew anything else right now, I think I would go ahead and tell me, you know -- I mean -- because I just told him that. But he asked if there were other things that I knew that I thought they might should know. And I told him there was one other thing, but I needed to see if I could document it because I didn't want to say anything about a Federal judge that I couldn't document, you know what I'm --

Q Yeah.

A So I told him there are some things and I need to look up those things to see. But I did not -- I didn't tell him what it was. I didn't tell him it was a Federal judge. I just said there is something else, but I'll send you an e-mail on it if I get it. He asked me to do some things for him also in that conversation.

Q Okay. When is this conversation?

A It was sometime before 2/05 because the things he asked me to do I e-mailed him and gave you a copy of.

Q Before --

A 2/05/07.

Q Before February 5, 2007?

A Right.

Q Okay. And what did he ask you to do in that

conversation?

A He -- when I told him my story, he asked me if I still had a copy of the pictures.

Q Okay. And what did you tell him?

A No, but I thought that I might could find a copy because I had been to the Klan rally and I knew that the press was there and I knew that there was videotapes out there.

Q Okay.

A And he asked me to see if I could run those down.

Q Did he ask you at that time to do an affidavit or give him a statement?

A He told me that he would like to take an -- he would like for me to do a statement, a written/sworn statement.

Q Now, Art Leach, you said, is one of Mr. Scrushy's lawyers?

A [Witness nods head.]

Q And Terry Butts is another one of Mr. Scrushy's lawyers at that time?

A Uh-huh.

Q So how did he -- did he say anything to you that he believed Mr. Butts should not be representing Mr. Scrushy?

A Art Leach had a very difficult time when I explained to him -- yes, he liked Terry Butts.

Ms. Lynch. I'm going to object. That is not

responsive.

BY MR. BRODERICK-SOKOL:

Q Did he say anything to you that he did not think Mr. Butts should be representing Mr. Scrushy?

A If I what I said was true, he should not be representing Mr. Scrushy?

Mr. Sandler. The question was, did he say that to you?

The Witness. Yes, he did, you know. But I don't think he -- okay.

BY MR. BRODERICK-SOKOL:

Q And he asked you to do a sworn statement?

A He did.

Q And did you do one at that time?

A No.

Q Why not?

A I really didn't want to be involved with this, but the Bar had told me because after I told Joe Espy, Joe Espy said he thought I had ethical duty. I called the Bar hoping that I didn't. They said I did. So then when I called him, I didn't really want to do that. And, so -- but I told him I would get him a copy of the tapes and stuff like that.

Q Okay. And you also -- I believe you said that you decided not to tell him about the Fuller information because you wanted to see if you could document it?

A That is correct.

Q Given that these were allegations about a Federal judge. And did you make some efforts to document what Rob Riley had told you?

A I did.

Q And did you find any information about Judge Fuller?

A I did.

Q Okay. Let me mark Simpson -- this is 7. This is 6. We never, I think, got a sticker on it. And this will be 7.

[Simpson Exhibit No. 7
was marked for identification.]

The Witness. Can we go off the record a minute?

[Discussion off the record.]

BY MR. BRODERICK-SOKOL:

Q Going forth. I've marked as Simpson 7 a letter from you to Art Leach February 15, 2007 which just looking at it appears to describe information about, quote, your judge and your Mr. Scrusby case. Why don't you tell me what this letter is?

A Well, I got to thinking about what Art Leach had said about telling him anything extra and got to thinking about the fact that they wanted me to do an affidavit and I didn't really want to do an affidavit. So I pulled all the stuff I knew about the judge and I hoped that if I gave them the judge stuff, I would never have to do the affidavit. And this is the letter that I sent. And I tried to make it

as general, not as though it was personal knowledge by me, but just share the facts.

Q The letter doesn't -- it is intentional that this letter does not say Rob Riley told me some of these things, it is just facts that are reported?

A That is correct. Because I didn't want them to ask me to do an affidavit on Judge Fuller for sure.

Q As far as you know, was the information -- well, this letter says it was faxed over and I'll just note that on the third page it says it was the 17-page fax. I have not marked as an exhibit the stack of Fuller-related material that you sent up to the committee. But in addition to this letter, did you send records and documents about the judge's finances and other things to Mr. Leach?

A I sent some, but I didn't send all that I had at that time.

Q Did you ultimately give him everything that you have?

A I did.

Q And do you know if the materials you have provided to Art Leach were used to draft a motion seeking a recusal of Judge Fuller?

A They were.

Q And did you play -- what role did you play in drafting that motion?

A I did not draft or write one word of that. They did send a copy for me to look at and to review to see if I saw any factual mistakes because I had pulled all the stuff and I knew the facts.

Q Did you correct any factual mistakes?

A I actually think that there was one mistake on a figure for one of the contracts and I told them, but I did not type on no page or anything. I think I just orally said I don't think that is the right amount of money in a contract. I think they messed up on the amount.

Q Okay. And are you aware that that recusal motion was ultimately denied?

A I am.

Q And when did you learn that?

A I guess the day it happened from the news or from one of them. I don't know.

Q Well, do you remember when that was?

A It would have been, I believe, in -- it could have been late April, but I think it was around the first of May. I wasn't keeping up with dates.

Q You testified a minute ago that you had hoped that a recusal motion might succeed and relieve you of what you felt was some obligation to do an affidavit. Did the denial of the recusal motion affect your decision, whether to draft an affidavit?

A It did. But the Bar -- and this is one thing I should say. When I sent this letter, the Bar told me -- I talked to them about this that I sent. And I -- I told Rob Lusk they were wanting me to do an affidavit and I didn't want to do an affidavit, you know, if I didn't have to. But the Alabama Bar felt I had an ethical and kind of a moral obligation to do one in light of what I had -- what my story was.

Q I think I missed a name you said. You told --

A Robbie Lusk. I had multiple conversations with him.

Q Who is he?

A He is the general counsel for the ethics portion of the Bar.

Q Thank you.

A And so I kind of felt an ethical duty to do an affidavit with what I knew and in light of all of the circumstances after Fuller recused. I had hoped he wouldn't -- I had hoped he'd rule in a way in a way that I wouldn't have to do an affidavit.

Q Okay. We have been speaking about contacts you've had with Art Leach who represented Mr. Scrushy. Did you have contacts with anyone representing Mr. Siegelman about drafting an affidavit?

A I have only had two contacts with Mr. Siegelman.

Q I asked about anyone representing him first.

A I've never had any contacts with anyone representing him. I've not spoken with one of his lawyers to date.

Q Okay. And you have had contacts with Mr. Siegelman himself?

A Two.

Q How did those come about?

A I believe it was February sometime.

Ms. Lynch. I'm sorry. Of this year?

The Witness. Of 2007. It was after I had talked to Art Leach. I asked a friend of mine who I do legal work for to run an AutoTrack for me on Mark Fuller. And which basically will -- what an AutoTrack is kind of like a list that shows all these finances and I was running all these planes that he owned because he owned -- his corporation owned a bunch of planes and it is kind of an investigative computer generated program. Mr. Bollinger knew Mr. Siegelman and he asked me --

Q And who is Mr. Bollinger?

A He is a client of mine.

Q And is that the one you were just referring to a moment ago?

A Yes.

Q Okay. So you asked Mr. Bollinger what?

A If he would run an auto track for me on Fuller.

Q Yeah. But then you were just about to say something

else you asked him?

A And -- well, I didn't ask him anything else but to run an AutoTrack. Anyway when he ran the AutoTrack, he basically asked me what is this about and I told him that I was trying to avoid having to give an affidavit, you know, because the Bar kind of felt I had this moral/ethical duty. And he said that he was going to contact Don Siegelman. And I told him I don't think you ought to do that. And he said, well, you didn't tell. So around that same time I had written the letter -- I think I had already written the letter but I'm not certain on that. So he --

Q Had already written what letter?

A This letter, the 15th, the February 15th letter.

Q Okay. Simpson Exhibit 7.

A And he called Don Siegelman and he told Don Siegelman the judge thing. Don had already heard, I reckon from what I understood, through Scrushy's bunch, the phone call, but had not heard the Fuller stuff or whatever. But he called and told Don the Fuller stuff. And then Don called me because Mark called me back and said that Don Siegelman wanted to speak to me. That is the first time I ever talked to Don Siegelman.

Q Okay. Did he -- when did you speak to him?

A I don't know what the date was.

Q In this same period of February 2007?

A Yes.

Q After you sent that letter to Art Leach?

A I'm not certain if the letter had gone out. I was already working on it. I can't say with certainty.

Q That's great. And did Mr. Siegelman phone you?

A He did.

Q And where were you when you got that call?

A I was at my office I believe.

Q Was anyone else with you?

A No. Mark had called me at home and said that Don was wanting to talk to me and I said, well, I'm heading to the office. So as I recall, it was at the office.

Q Okay. And what did Mr. Siegelman say?

A Mr. Siegelman knew about the phone call circumstances by that point and I don't know how for certain. But he also asked me about Judge Fuller.

Q Okay. Did he ask you to do an affidavit?

A He told me it would help if I would do an affidavit, would I mind speaking to his lawyers and doing an affidavit, and I told him at the time that I didn't really want to do an affidavit if I didn't have to, but I had been doing that research on Fuller and -- from what Rob had told me -- and thought I could avoid it.

Q Okay. I think you said you had two conversations with Mr. Siegelman.

A Yeah, that one lasted about 45 minutes. The next one, he shows up sometime in March or April over at Mark Bollinger's house or office. I think maybe an office. I don't know. They just called me from a number. And asked me again if I would do an affidavit. And that was a 10-minute phone call. They were going to see Artur Davis, I think, because it seems like they mentioned he was speaking somewhere. And they were going to go see him, that Mr. Siegelman was. And he invited Mark to go with him.

Q To see Mr. Davis speak. Did -- was that before the recusal motion had been denied?

A I believe it was.

Q And did you agree to do an affidavit at that time or were you still holding out hope of avoiding doing it?

A I was holding out hoping to avoid doing it.

RPTS SCOTT

DCMN BURRELL

[2:35 p.m.]

BY MR. BRODERICK-SOKOL:

Q So, ultimately, what changed your mind, and why did you finally decide to draft the affidavit that was marked as Exhibit 3?

A Well, I thought it was the right thing to do.

Q And the affidavit is dated?

A March 21 -- May 21st.

Q May 21st. When did you begin drafting it?

A When did I begin?

Q Well, why don't you describe for me how this affidavit became drafted?

A Okay. I told John Aaron I was nervous about drafting the affidavit.

Q Who is Mr. Aaron?

A He is a lawyer.

Q Who does he represent?

A No one in this deal, technically, I don't reckon.

Q Why were you discussing it with him?

A In the first phone call that I had with Don Siegelman in February or early March -- and I think it was February -- he said that John Aaron was a political researcher, and I told him what I had been researching about

Mr. Fuller and that I was still pulling up stuff, Judge Fuller, and he had had -- he said, well, John Aaron could help you, and he said, "I'll have him give you a call." So John Aaron gave me a call on pulling up, but I sent you all --

Mr. Sandler. Just let him ask the question.

The Witness. Anyway, John Aaron, I just got to know him through that, and that's -- I just asked him to help me write the affidavit.

BY MR. BRODERICK-SOKOL:

Q In terms of advising you?

A Yeah, a little bit.

Q You had talked to him about the facts of the Klan rally in the phone conversation before?

A Yes.

Q Okay. Start again -- not again -- but continue. You spoke to John Aaron.

A And I asked him if he would just help me with the affidavit, but I didn't like his affidavit at all, so --

Q Did he prepare a draft of an affidavit?

A He did.

Q Roughly, how far before May 21st was that?

A I don't know if it wasn't the same day. I don't recall if it was 2 days or 3 days or what. I mean I just -- it seems like it was a couple of days before, but I kind of

just kept delaying.

Q Okay. So he prepared a draft and gave it to you. What was your reaction when you looked at it?

A I didn't like it.

Q Okay. Well, what didn't you like about it?

A I thought I just needed to do it. John Aaron, he just did a basic affidavit that was about Terry Butts.

Q Okay. So the focus of it didn't include everything you thought it needed to include?

A Right, and I felt like if I was going to do an affidavit I only wanted to do it one time, and they asked me to do it on the specific day. I knew the events that had occurred, and so I sat down with my secretary on the day that that thing is signed, and I redid the affidavit completely.

Q Did you start from scratch or did you start with Aaron's and change it around?

A I'm not certain. I basically got kind of the format of what they wanted in an affidavit, and I do affidavits occasionally, but I just -- but I don't know whether she did it from theirs or not. I dictated to her what I wanted to say. That's what I recall.

Q So she was typing and you dictated?

A That's what I did.

Q Did you just start and dictate straight through one

time?

A I don't know. I may have looked at John Aaron's affidavit. I mean I may have had her print it up and looked at it, and then I dictated what I wanted my affidavit to say, so I pretty much -- you know, I'm not going to say -- like, I may have kept the first three sentences that he said or whatever. You know what I mean?

Q Yes.

A Whatever, but I dictated what I wanted to say.

Q And she did the typing?

A Uh-huh.

Q And you said that was this very same day, May 21st?

A That's correct.

Q Did anyone else review it before you signed it other than yourself and your secretary?

A As I recall, I called Mark Bollinger to tell him that I was going to go execute this at a lawyer friend of mine's office in Georgia because I had called him up, and I told Mark that I wanted to deliver it to him in Georgia, and so he pretty much had to drop everything to meet me because he had other plans because I'd just got on this whim of going ahead and doing it, and he said he would meet me over in Rising Fawn, Georgia, and he said, "Send me a copy," and I think he made a grammatical correction as I recall, but I don't remember what the -- if I put a colon or a period or

what that he didn't think needed to go somewhere, and he may have corrected a spelling on a word or something, but I mean it was grammatical.

Q Did he make any substantive suggestions about what should be or not be in the affidavit?

A I don't recall him saying there was a change on a word. I do recall that he said for me to say -- he said, "How are they going to know that was Karl Rove?" And I said, "Well, he just said, 'Karl.' He didn't say, 'Karl Rove,' so that's what I'm putting." I do recall that. You know what I mean?

Q Yes.

A And that's about it, so I didn't make the change.

Q Right.

A I do recall that he suggested a change that I didn't make.

Q Did anyone else review it before you executed it?

A I don't know if he sent it to John Aaron, or not because he had talked to John Aaron. Mark had done an affidavit also, so --

Q But you never spoke to John Aaron about what should or should not be in the affidavit that day?

A I may have got an e-mail after the fact, but I don't recall speaking to John Aaron beforehand. John Aaron had asked me several times on his original affidavit if I was

going to sign it, and I said, "Well, that's really not what happened, so I've got to write what happened exactly."

Q Okay. You went to Georgia. You executed it.

Did Mark Bollinger meet you there?

A He did, and on the way there, I called Richard Scruschy's office and told them.

Q How did you get it to them?

A That was the agreement. Mark would meet me in Georgia and take it to John Aaron, and Scruschy got -- I called their office or his number or whatever -- I don't remember -- and told him that I had decided to do an affidavit and had done it because they had called several times.

Q Yes. Okay. I have a couple of more questions about a couple of things that have come up around the affidavit that I'm going to ask, and then I'll be done and in plenty of time for your 3:00 o'clock.

So, before I do that, though, I want to go back to something that I think -- I don't recall whether or not -- I want to make sure I understand your testimony correctly.

In late January/early February when you'd stopped by Rob Riley's office and you'd talked to him, you described somewhat the conversation you had about Alice Martin's bringing a new case and Judge Fuller.

Was Mr. Scruschy discussed in that conversation?

A He was.

Q Was the possibility of prosecuting him discussed as well?

A Yes.

Q What was said about Mr. Scrushy in that conversation?

A Rob said that they had come up with an idea to prosecute Don with Richard Scrushy.

Q Did he say why they thought that was a good idea?

A Because nobody likes Richard Scrushy, and he thought that that would assure a conviction for Don Siegelman.

Q Okay. Thank you.

You executed this affidavit back in May. It's been the subject of a decent amount of public attention, and you've had a good deal of time since then to think over these matters and to talk about them with me and with journalists and others. So I guess I wanted to ask:

At this point, do you still stand by everything that's in your affidavit?

A 100 percent, yes.

Q Is there anything you'd like to correct or to change that's in there that you don't think is correct?

A There's only one thing that I've figured out, and I thought about it after I saw the videotape. I took two cameras that day, and I have it reading like I gave them

some pictures in one camera. I actually gave them two cameras, and I don't know why my memory got jarred that day, but I actually would -- I say in here that I took -- that I had one camera, I think, and --

Q In paragraph 9, you say, "I took pictures on a disposable camera."

A On a disposable camera. I should have said "disposable cameras," but that's the only thing.

Q Okay. Is there anything else?

A No.

Q Okay. One thing that I've read are claims by some that one reason you might have done this affidavit is that you were, quote, "a disgruntled bidder on a tire contract." I guess what is your -- I suppose the simplest way is:

What is your reaction to that statement?

A Well, one, I'm not a bidder. Mr. Bollinger was a bidder.

Q Okay. Did you represent him in the bid?

A I did.

Q Have you represented other bidders who don't get contracts?

A Yes. I've never done a statement on any of them about something like this either, I can assure you.

Q Okay, but did the denial of that contract -- I mean did it cost you money of income you might have earned?

A It did. I get legal fees for the work that I do in contracts, and you know, it just depends on what the legal fees are set up to be per a contract basis.

Ms. Lynch. I'm not sure that actually responded to the question.

BY MR. BRODERICK-SOKOL:

Q Is the implication of your statement that you might have made money on this contract and that you didn't because it was denied?

A That's correct. There is no way to know what a contract like this would cost -- you know what I'm saying? -- I mean whether you make in the end or not.

Q Sure.

A Sometimes you do when you do government bidding, and sometimes you don't.

Q Sometimes a contract like this can go down, and the bidder can lose money. Is that what you're saying?

A Right, and so --

Q Well, do you or Mr. Bollinger hold the rallies responsible for his not getting that contract?

A Absolutely not. In fact, it's Don's people that cost us, probably, the contract, Mr. Siegelman's.

Q It's Don Siegelman's? Why do you say that?

A It's Don Siegelman's people, the ADEM. The way they do these ADEM committees --

Q What's "ADEM"?

A Alabama Department of Environmental Management.

Q Okay.

A They have a board of directors and all that that's on it, and they had a lot of holdovers of Democrats, and in fact, a Democrat lobbyist actually shepherded through the guy who got the contract.

Q Okay.

A So, if I had any reason to be mad at anybody -- we've really gotten a howl out of this one. If we had any reason to be mad, I should be mad at Don Siegelman.

Q Okay. Did either you or the bidder have any -- well, have you had further dealings with the Riley administration since that contract was denied?

A Yeah. In fact, I warned Bob. I sent him a letter because the Democrats were going to put him on top of the tire pile with the tire guy who was an illegal tire dumper, so I warned him about it after the contract was awarded. So, if I'd had a problem with Bob on that, I would not have warned him, and he did not go. In fact, the newspaper carried -- it's kind of an interesting little story.

Q I think you should stop.

A Okay.

Q I'm not sure what question to ask, but can you just describe it a little more simply for people who are not

familiar? I'm not fully understanding --

A I gave you a copy of a letter that I sent to Don -- to Bob Riley on --

Q I just want a short description of the communication you had with Bob Riley that you were just referencing that saved him from an embarrassing appearance, I think.

A On August 7th of 2002, I called Bob Riley's office, and I sent -- and talked to Toby Roth, and I sent him a copy, and Mark Bollinger also called -- my boss that I was working for, you know, doing the legal services, called Toby also, and I sent him a copy of a document that showed that the guy who they'd awarded the tire dump to had been determined to be an illegal tire dumper in Georgia, basically, and that he had actually illegally dumped the tires in Alabama, and Bob Riley was supposed to, the very next day, get out on top of the tire pile with the guy and get his picture. There's a whole series of newspaper articles where Bob Riley was supposed to go, and he failed to show up. He took my advice, did not go, and did not get his picture, and the series of newspaper articles in Alabama was "Where's Bob?" Kind of like "Where's Waldo?" It was where was Bob that day.

Q Okay. This occurred after the contract had been awarded?

A Right.

Q Okay.

A Then Mr. Bollinger -- you know, I've read that so much. Mr. Bollinger also threw a big reception for Bob with another gentleman. I don't know what they spent, but they had him a reception over in Guntersville. Well, I did not get to attend that, but --

Q That was a fundraiser?

A A fundraiser after all this, too. So where all this comes from, I don't know.

Q When you say "after all this," do you mean after the contract was denied Bollinger participated in holding a fundraiser for Governor Riley?

A He was -- he wasn't -- he didn't participate. He was the thrower. He and another guy threw the party --

Q Okay.

A -- for the --

Q Thank you. That's great.

A That's what they told me. I didn't see the checks, but that's what they told me was they threw the party, so -- and I believe them.

Q Okay. I have two more questions. One is:

Has anyone offered you anything in exchange for speaking out on this subject or for providing the affidavit that you did?

A No.

Q Three questions. Has there been any -- strike that. Two questions.

Have there been any costs to you for speaking out in this way?

A Absolutely.

Q And what have those been?

A Well, I had to pay my lawyers to come up here. I've had to come up here. I had to buy my lawyers dinner last night. I mean, you know, I've had to pay for the phone calls that I've had with my lawyers. I mean, you know, all my travel. I mean, it's just an expensive endeavor.

Q Has it affected your business?

A It has dramatically affected my business. I mean it's bad when you have -- I mean my income's way off. I have not done a percentage, but it's way off for the summer. When you're called a liar every day in the newspaper, it's pretty significant --

Q Okay. Is there anything else --

A -- especially when you're called a liar by powerful people.

Q What about the personal cost to you? Has there been any?

A I don't know if at this time, really, there is or there isn't. You know, I've had some unfortunate events,

but I can't say that any of those were caused by that. The press tries to claim that, but I've told them, you know, I don't know, but I have had some unusual events.

Q Okay. I was, actually, just thinking more along the lines of the stress of it all, but --

A Oh, I want to tell you it has been very stressful, and it's been difficult for my family. People have challenged that we're Republicans. My mother was on some kind of business council at some point where the President would invite people, you know, to come up for dinners and stuff like that, and she never came, but she got -- you know, she always got the invitations and all that, and people have said, you know, "Jo," they say, "you're not a good Republican." I mean she had all kinds of awards in her office, when she was an accountant, from Tom DeLay, and I mean -- and when I say "awards," you know, plaques and stuff because Mr. DeLay sent out a lot of that kind of stuff, and so she -- it's caused her a lot of embarrassment.

My sister, she -- she loves the Bushes, I mean, and always has. I mean she worked for Mr. Bush before he --

Ms. Lynch. I think we've reached the point where the question is answered here.

The Witness. -- at River Oaks Bank and Trust, so --

Mr. Broderick-Sokol. Okay. I think I just --

The Witness. -- and that's been hard on her, too.

Mr. Broderick-Sokol. Okay.

The Witness. So, yes, it's been hard on my whole family.

Mr. Broderick-Sokol. Okay. With that, I'm done.

Why don't we go off the record.

[Recess.]

EXAMINATION

BY MS. LYNCH:

Q Let me just do a couple of like housekeeping questions, and then we can move into some of the follow-up questions I have on the phone call.

A That's okay.

Q Aside from Mr. Sandler and Ms. Duncan, are you represented by any other counsel?

A No, I am not.

Q Have you been represented in the past year on this issue by any other counsel?

A I talked with Tommy Gallion.

Q And how do you spell his last name?

A T-O-M-M-Y.

Q And his last name?

A It is Gallion, G-A-L-L-I-O-N.

Ms. Duncan. Yes.

BY MS. LYNCH:

Q Did you speak to him in reference to --

A This case.

Q -- this case?

A Yes, and some of his partners.

Q So was he providing you legal counsel?

A He was.

Q But he is not at this time?

A He -- I have talked to Tommy, but right at this particular time, no.

Q So you would not consider him to be retained as legal counsel on this matter at this time?

A I talked to Tommy as late as yesterday, but technically he is not my lawyer on this at this time, but he has been.

Q So you spoke to him yesterday, but today he is not your lawyer on this issue. Did you speak to him yesterday about this issue?

A I spoke to him about this case yesterday, but he is not technically my legal counsel.

Q Okay. Let me just refer you back to your affidavit.

A Okay.

Q You mentioned that you swore out this affidavit in Dade County, Georgia. I'm not sure if you explained why as opposed to in the counties that you practice in in Alabama.

A Well, I'll tell you why, because it said Leura Canary's name in it, and it said Alice Martin, who are both

powerful women in my state, and I knew that Rob Riley's daddy had appointed the AG, who was Troy King, and that Troy had had some issues about some political cases that he had brought that Rob had told me stuff about, and so I decided to go to Georgia to do my affidavit.

Q So you're saying if you'd sworn out the affidavit in Alabama --

A I just didn't want to be subject to their jurisdiction for any shape, form or fashion for any reason whatsoever.

Q And swearing the affidavit out in Georgia --

A Would have brought different prosecutors to look at this case, and I felt like I would get a fair shake from that. I don't know a single solitary prosecutor in Georgia, so that you know, either.

Q At whose office did you swear out the affidavit?

A I did it at John Emmett's office.

Q Who is John Emmett?

A He's an attorney that I know in Georgia.

Q Was he your attorney?

A No. I called John's office and asked his secretary if -- I did not even talk to John about this. I just asked her if she would notarize my signature.

Q So it was notarized by his secretary?

A That's correct.

Q Let's see. I'll ask you some questions now about the phone call on November 18th, 2002.

You stated earlier today that you placed a telephone call to Rob Riley, and it was during this telephone call that you were put on speakerphone, and other persons were in the room on the telephone call.

A Uh-huh.

Q In your affidavit, I'll refer you to paragraph 11 --

A Okay.

Q -- on the page marked "Simpson 2." It refers to multiple phone calls --

A That's correct.

Q -- between you and Rob Riley.

A It says there were multiple calls from me for -- to me from Rob Riley and other people. It does not just say "Rob Riley."

Q Right. So when did these multiple phone calls take place during that day? Were they before or after the phone call described in paragraphs 12 and 13 and beyond?

A There was a call that I have from a guy who was to pick up the pictures. I talked to Rob Riley that afternoon at some point in time. He called me and told me to watch the 6:00 o'clock news. Don would be conceding. I talked to my girlfriend.

Q Okay, but I'm just curious about conversations

between you and Rob Riley.

A Okay.

Q So you're saying, other than the phone call described in paragraphs 12, 13 and beyond of your affidavit --

A I had a couple of more phone calls.

Q You had a couple of more phone calls, and they were after the phone call described in your affidavit?

A Yes, and I talked to one of my girlfriends who also knows Rob. I talked to her about those pictures, too. So I mean, you know, I talked to a bunch of people about the pictures.

Q Okay. I'm going to also refer you to -- so, actually, strike that.

As to the phone call that involved Rob Riley and, you say, Mr. Butts and Mr. Canary and other individuals, what time did that occur on November 18th?

A It occurred when I called Rob from my car.

Q And what time was that?

A It's 10:50. Right about 10:52, I think, is what the time was on it. I mean I have to go by the record on what it was, and it says "10:52," so --

Q I'll refer you then to Exhibit 4. This is the telephone billing record for the phone -- actually, 899-3601. You indicated earlier today that the last

phone call on that page dated 11/18 at 10:52 a.m. is the phone call you're referring to?

A That's correct.

Q Can you explain to me why it reads one message for 11 minutes?

A I think what that is is these are the out-of-area calls, and I have a cooperative phone -- my cell phone is a cooperative.

Q Can you, actually, answer the question of whether you know why it says "message" or not, I mean, as opposed to just speculating about how the phone company might bill? Do you know for certain why it says "message"?

A I see those when I call out of the area.

Q So this is not a voice mail?

A That's not a voice mail, ma'am.

Q Okay. So, as to the phone call that occurred, as you say, at 10:52 a.m. on November 18th, you stated earlier that -- I'm sorry. You placed a phone call to Rob Riley. Is that how that phone call began?

A Yes, it is.

Q And so then what happened after that?

A People were added into the phone conversation.

Q By whom?

A By Rob.

Q Okay. So Rob put you on speakerphone or he dialed

in other individuals?

A I know that Bill Canary was added. I do not recall how. I remember the speakerphone was turned on when Terry Butts and a roomful of people got in there.

Q So Bill Canary, as you said, is dialed into the phone call, but Terry Butts is in the room?

A I can't say how Bill Canary was added on.

Q So he might have been in the room, but he might not have been?

A I can't say, ma'am. I don't know. I wasn't in the room. I just know he was on the phone.

Q Okay. That's fine. You did mention, too, that, aside from Rob Riley, Bill Canary and Terry Butts, there were other individuals who you could hear because you were on a speakerphone?

A I recall when we were talking to Terry Butts, particularly in my conversation with him -- Terry is more entertaining. Bill Canary is more a businessman, okay?

Q Ma'am, if you could just answer the question.

A Sorry.

Q There were other people -- you could hear other people in the room during that telephone conversation?

A Not on the telephone call, but in Terry Butts' portion of it, when Terry started talking, yes, they started howling, laughing.

Q Could you tell how many people were in the room?
Was it two? Was it five? Was it ten?

A I have no idea, ma'am, but it was more than one.

Q In your affidavit, you've attributed certain statements to particular individuals, whether it's Mr. Canary, Mr. Riley or Mr. Butts. How were you able to identify their voices?

A They're different.

Q So had you spoken to Terry Butts on the phone before this?

A I had never spoken to Terry Butts on the phone before.

Q When he was making the statements that you allege in the affidavit, you are certain that you can't attribute that to any of the other people who were in the room at the time?

A I'm certain that that was Terry Butts or the person talking identified himself as Terry Butts.

Q Had you spoken to Bill Canary on the phone before?

A Bill Canary had been on a phone conversation that I had had with Rob before. I think he had actually been on one or two.

Q Had he spoken during that telephone conversation?

A Uh-huh.

Mr. Sandler. Are you talking about the prior telephone conversation?

Ms. Duncan. Say "yes" or "no," please.

The Witness. Yes.

BY MS. LYNCH:

Q For how long did that conversation last?

A I don't recall. I just know that Bill Canary had been on a couple of other calls before.

Q Did you make any notes about the telephone call that occurred on November 18th?

A I was in my car, reporting the pictures. No.

Q So, later that evening or any time after that -- the next week, the next month, a year later -- at no point did you make any notes about the phone call?

A No, I did not, but I wouldn't have forgotten it because it was an interesting phone call. It caused Governor Siegelman to concede or at least that's what I thought was going to happen.

Q You've described several other conversations, particularly with Rob Riley, after November 18th, 2002. I guess the first question I have is:

How long have you been a licensed attorney?

A I have been licensed since May of '89.

Q Have you had occasion to assist a client with preparing an affidavit?

A Yes, I have.

Q Okay. How many times would you say you've done

that?

A I have no idea.

Q Less than six? More than six?

A A whole bunch.

Q A whole bunch? Okay.

A That would be the best way of saying that.

Q The telephone conversation -- let's see.

There was, first you said, in late November/early December a telephone conversation between you and Rob Riley that was -- for lack of a better word, I'll characterize it as maybe a "follow-up."

A Not really. Rob and I talked regularly.

Q Okay.

A I mean it wasn't a follow-up.

Q But it was during that telephone call that you again discussed Siegelman's conceding the election?

A Yes, ma'am.

Q Okay. According to what you said earlier, apparently Mr. Butts indicated to Mr. Siegelman that on November 18th that not only would the pictures and photos of the Klan rally disappear, but also any future prosecution would go away; is that correct?

A That's what I understood Rob to say that Terry stated, yeah --

Q So your phone call --

A -- that Terry had told Rob that, yes.

Q And he had told that to Mr. Siegelman on November 18th. That's your understanding from Mr. Riley?

A I understand that Terry told Rob that he did that, yes.

Q So it wasn't just an issue with the KKK rally; it was now an issue that all future prosecution would go away?

A Yes. Right.

Q Then there's a conversation in early 2005, which I believe -- I just want to make sure my notes are correct on this. This was a face-to-face conversation in Mr. Riley's office?

A That's correct.

Q You mentioned that you had stopped by to show him some baby pictures.

A Yes.

Q I'd just like to ask you a few questions about that conversation. You say that -- excuse me. I'm sorry. I'm just reading my notes real quick.

You said that, I guess, Rob stated he had gotten wind that Siegelman was going to run again --

A That's correct.

Q -- I assume, for Governor.

A Yes, ma'am.

Q At this point, hadn't Don Siegelman been indicted on

Federal bribery charges?

A He had had the Alice Martin case, and it had been dismissed.

Q But he had been indicted on Federal charges?

A But it was gone from what I understand.

Q "Yes" or "no," he had been indicted on Federal charges?

Mr. Broderick-Sokol. Well, maybe if you specify which case or which court.

The Witness. I'm unclear.

BY MS. LYNCH:

Q Okay. Well, in the Northern District of Alabama in which Alice Martin is U.S. Attorney, at the time that you had this conversation with Rob Riley, Governor Siegelman had been indicted in that case. Yes, the charges had been dropped, but he had been indicted?

A Yes.

Q Were you aware of the fact that Governor Siegelman had been indicted on those charges?

A I think so as I recall.

Q Okay. You said that Bill Canary and -- you know, their names are so close together. My notes say Bob Riley, but I'm not sure if you meant Bob or Rob.

A I meant Bob.

Q So you meant Governor Riley?

A I did.

Q Okay. So you said that Governor Riley -- or Rob Riley told you that Bill Canary and Governor Riley had a conversation with Karl Rove?

A That's correct.

Q And Rob Riley told you that Karl Rove then went to the Public Integrity Section regarding former Governor Siegelman.

A That's correct. He said "his section." That was his use of it, but yes, ma'am.

Q In that same conversation, Rob Riley also said to you that he or some group of people had come up with the idea to prosecute Mr. Scrushy along with Mr. Siegelman, as you put it, because everyone dislikes Mr. Scrushy; is that correct?

A That's not exactly a correct characterization as to the way you said it.

Q Why don't you tell me what Rob said to you regarding that matter?

A That they had come up with the idea.

Q And who is "they"?

A I have no idea for certain. I mean I understood it to be Rob and them, but -- and if I said that earlier, that's what I understood, but he said "they" --

Q That's fine.

A -- which I understood to be Bob's bunch of close folks.

Q But he didn't actually identify anybody. He just used the word "they" to the best of your recollection?

A He may -- I understood he was in on it, but I think probably he said "they." I mean I can't say 100 percent, but --

Q Okay. So what did Rob say to you?

A He basically said that they had come up with an idea to reindict Don and that they were going to include Richard Scrusby, and they had figured out a way to do it, and I basically asked them what was the way you're going to do it, and I mean this is not verbatim, but I basically asked him what way are you -- how are they going to do that, and he proceeded to lay out to me the lottery issue.

Q I'm sorry. What is the lottery issue?

A Evidently, Don had some kind -- I mean and this is just from my knowledge. This is not from -- but he did explain to me the lottery issue. Don --

Mr. Broderick-Sokol. I'm sorry.

BY MS. LYNCH:

Q Who explained the lottery issue to you? Are we still talking about your conversation with Rob Riley or are you now referring to a different conversation?

Mr. Broderick-Sokol. I think you asked what was the

lottery thing.

The Witness. That's what she did. She asked me what the lottery thing is.

Ms. Lynch. Okay. Then that's my fault. What I'm trying to do is --

Mr. Broderick-Sokol. I wasn't saying that. I was just trying to retrace where we were.

The Witness. Rob explained to me that they had figured out a way through the lottery circumstances -- and I don't recall all the details -- but that they had a connection with Don and Richard Scrusby on the lottery issue, and that's --

RPTS McKENZIE

DCMN NORMAN

[3:33 p.m.]

BY MS. LYNCH:

Q Okay. And what do you mean by the lottery issue? What did you understand Rob to mean by the lottery issue?

A Rob made some mention that Don had gotten some money from Richard Scrushy to pay off a lottery debt. That's -- and I don't know exactly -- I don't recall exactly all the details as to what he said, but the gist of it was, is that he got money illegally from Richard Scrushy.

Q I'm sorry. Who got money illegally from Richard Scrushy?

A Rob implied that Don Siegelman had gotten money illegally from Richard Scrushy. That's what his tale was.

Q Okay. And that was to pay off a lottery debt? That was your understanding from Rob is it was a lottery debt?

A A lottery debt. I didn't understand all of it, you know, but that's -- I didn't ask. It's not always good to ask questions. I didn't ask that question.

Q I guess in that -- I believe it's in the same conversation that you discussed Judge Fuller?

A It is.

Q Okay. And I'm a little unclear. Did you know Judge Fuller from undergraduate or not?

A I did not. They say I know who he is. That's what Rob had kind of indicated. He said, oh, you know Judge Fuller. I'm like, no, I did not. To my knowledge. I can't say I never met the man because they say I have, but I don't think so.

Q And at the time that you had this conversation with Rob, was Judge Fuller a judge? Had he been appointed?

A Yes, he was a judge.

Q But you were not aware that he was a judge?

A I didn't go to the Middle District. Even though I'm admitted in the Middle District, I went one time to the Middle District out of my 18 years.

Mr. Sandler. Were you aware?

The Witness. No. I'm sorry.

BY MS. LYNCH:

Q So you discussed with Rob Riley government contracts that Judge Fuller had?

A Yes.

Q Is that correct? I think you mentioned that they were fuel contracts or maintenance contracts or clothing contracts. Could you explain a little bit more when you say that Fuller had these contracts, what do you mean? Did he personally hold government contracts?

A He had a corporation.

Q What was the name of that corporation?

A It was called Doss Aviation, and he also had one called Doss of Alabama. But I don't think that I realized -- I think I knew about the Doss Aviation. But until I ran him, I don't think I knew that -- I thought that the clothing was made under Doss Aviation because it was flat suits, as in --

Q Okay.

A But it's got two names.

Q Doss Aviation?

A And Doss of Alabama. We actually talked about that company, too, that day, Doss Aviation.

Q And could you just explain for me a little bit about how Judge Fuller's ownership or, you know, involvement in Doss Aviation was discussed in relation to Mr. Siegelman or Mr. Scrusby or your previous telephone conversation? Just connect the dots for me, if you would, please.

A Okay. In that conversation in early 2005, Rob started talking about Mark Fuller. And I'm like, Where have I heard that name? Because I'd heard it before. And he tells me, he says that Mark was going to be the judge. He said, Oh, you know him. I'm like, No, I don't. He said, I think you do. I said, Is he that guy y'all said before that does them aviation contracts? And that's when he proceeded to say, Yeah, he has a company called Doss Aviation. I said, Is he still doing that since he's become a judge?

Something along that lines I can't say verbatim, but something along that line. And he said, Oh yeah; and he proceeds to start telling me about the company.

Q So in that conversation, Rob told you that Judge Fuller was going to be the judge on a case prosecuting Siegelman and Scrushy together?

A That's what I understood.

Q Let me just back up a second and do a couple of questions on -- for both this conversation that you had face to face with Mr. Riley and for the telephone conversation that was in either late November or early December of 2002, did you make any notes of either of these conversations?

A No. I never made notes of what I talked to about Rob. We were just gossiping. So --

Q Okay. So anything that you're describing to us is based just on your recollection today? You don't have any notes that you made at the time that the conversations happened or anything like that?

A No. But I -- the thing is this: I've never forgot about Mark Fuller because he --

Q Okay. That's fine. You are basing this off of your memory today as opposed to any notes that you made at the time?

A I didn't make any notes at the time.

Q Okay. Fine. I guess I'm curious to know that,

aside from the conversation described in your affidavit, you have had -- you've described today now two subsequent conversations with Rob Riley where it is, at a minimum, implied that there was -- first in the conversation of late November, early December 2002, that Mr. Butts had maybe not guaranteed but had made some assurance that Siegelman would not face any prosecution if he conceded the election challenge?

A Yes.

Q So that's the first conversation. And now in early 2005 you have a face-to-face conversation where Rob Riley makes statements to you that there has been planning as to how Mr. Scrushy and Mr. Siegelman would be prosecuted, that he was aware that Judge Fuller would be the judge on the case, that Judge Fuller had made a statement that he was going to hang Don Siegelman.

I'm curious to know, did this trouble you at all?

A It did.

Q So what did you do in response to this? Did you --

A I told Rob at the time that I did not think, just so you know, that Don Siegelman and them, their bunch, I said, They'll probably file to get him out. Rob said, Well, I don't know.

Q They'll -- I don't understand what you mean by file to get them out.

A Rob told me all these things about Fuller, and that he thought Fuller would be the judge. I told him I did not -- I figured they'd file objections or something like that. So I didn't know.

Q Okay. That's not responsive to my question. My question is, my question is, first of all you say that you were troubled by the things that Rob Riley was telling you.

A Yes.

Q You've been a practicing attorney for nearly 20 years. And according to you, someone has just made statements that there is some sort of planning or, you know, cooperation going on in relationship of how the former Governor of Alabama was going to be prosecuted.

And I'm asking you, did you report this to the Alabama State Bar, did you make any notes of it, did you feel that there was any duty on your part as a licensed attorney to report this conduct that we're now just hearing about for the first time today?

A Rob had told me what I considered to be hearsay. I had not -- as far as regards to those things. And I had not checked them out.

Q So you're saying that because you could not substantiate statements made by Rob in these conversations, you felt that you shouldn't report those to the Alabama Bar. Is that what you are saying?

A Right.

Q The statements made in your affidavit that you report the conversation of November 18, 2002, would you also characterize those as hearsay?

A I would not characterize them. I was on that conversation.

Q But Terry Butts in -- let's see. I'll get you the paragraph here. In paragraph 16 on what's marked as Simpson 3 of -- Exhibit No. 3, your affidavit characterizes the conversation as -- and I'll quote this: That William -- Bill Canary told him not to worry, that he had already gotten it worked out with Karl, and Karl had spoken to the Department of Justice and the Department of Justice was already pursuing Don Siegelman.

Would you not characterize that -- the conversation, the alleged conversation between Mr. Canary and Mr. -- or the person referred to as Karl as hearsay?

A It is hearsay.

Q Did you make any efforts to substantiate that statement before reporting it in your affidavit?

Mr. Broderick-Sokol. Are you asking about hearsay as a technical, legal, would it be admissible in court matter?

Ms. Lynch. No. What I'm asking is that she has just stated that the reason why she didn't report any of the subsequent conversations between her and Rob Riley to the

Alabama Bar or anybody else, despite being troubled by them, is because she characterizes them as hearsay. I'm now pursuing the fact --

The Witness. I cannot say whether they were true or not. These were just the statements made.

BY MS. LYNCH:

Q But could you say whether the conversation that you characterized in paragraph 16 of your affidavit is true or not?

A It is true as to what Bill Canary said on the telephone. And what I understood that I have testified to is truth as to what the man meant. As far as whether Karl Rove said this to Bill Canary or Bill Canary said that, I can't say, and I wouldn't attempt to say.

Q So you have no personal knowledge of whether Karl -- the person named Karl who you assumed to be Karl Rove -- ever made statements to Bill Canary as they are characterized in your affidavit?

A You said I have no personal knowledge. I know that Bill Canary said that.

Q No, ma'am --

A No, you said that. And I know that Bill Canary said it. So I do have personal knowledge, ma'am.

Q No. You have personal knowledge. Excuse me. And what I asked you was whether you had personal knowledge of

statements made by Karl Rove to Bill Canary. Do you have any personal knowledge of a statement made by Karl Rove to Bill Canary?

A I know what Bill Canary said on the phone.

Q That's fine. Other than what you say was said in the telephone conversation, do you have any personal knowledge of statements made by Karl Rove to Bill Canary?

A I know what Bill Canary said to those statements. I mean, that's an answer.

Mr. Broderick-Sokol. Are statements made --

The Witness. I mean, I can't say what Karl Rove and Bill Canary talked about.

Ms. Lynch. That is exactly what I'm getting at.

The Witness. I can only say what Bill Canary said that Karl Rove said.

Mr. Broderick-Sokol. Bill Canary could be lying, for example, when you heard them. You don't know about other things that happened outside your presence.

The Witness. I can only state what people said.

[Discussion off the record.]

BY MS. LYNCH:

Q I would like to just get back to what we were discussing a moment ago. Can you explain to me why, when you swore out this affidavit on May 21 of 2007, you included a description of a conversation from November 18 of 2002 but

did not include subsequent conversations that you have now described today that you claim were very troubling to you and that had relationship to the Siegelman-Scrushy prosecution. Can you explain that, please?

A I can explain that. I told them I did not want to do an affidavit against a Federal sitting judge. In Alabama we have some ethical rules that we are not supposed to talk badly about the court. So I told them I just would not sign an affidavit about that. They asked me to limit it solely to the day of November 18 and the phone call. And so --

Q Who asked you to do that?

A I'm not sure. I think John Aaron had talked to someone. You would have to talk to him. But John Aaron, I told him I would not do the affidavit on Judge Fuller because we had those ethical rules about talking badly about a judge, and I just wasn't going to do it. Even though I thought what he had done was right, I wasn't going to do it.

Q I'm sorry. So are you saying that the ethical rules of Alabama place the position of a Federal judge above reporting suspected collusion on the part of a Federal judge in a case, or possible misconduct by a Federal judge? I mean, I am just curious to know what the ethical rules require in Alabama.

A We are not supposed to disparage the court, and I was not going to participate in disparaging the court. And

I was not required by law. If they subpoenaed me, I would testify as to what the conversation was, and that's what I told them.

Q Aside from your concern about your ethical duty with regards to Judge Fuller, you have described today a conversation with Rob Riley where he, according to you, implies that Scrusby and Siegelman were intentionally prosecuted together to get Governor Siegelman. Why didn't -- that doesn't have anything to do with Judge Fuller, so why didn't you report that?

A Well, the thing is this, is Rob Riley told me that. I didn't know if that would really happen or not. I didn't know if that was truth or fiction.

Q And so --

A And I had -- after I watched it play out, I realized it was. But 'til I saw it, I didn't know if it was true. I didn't know Mark Fuller. So I didn't know if --

Q I'm going to object to that response, that there's a connection between that statement and the fact that they were tried together is proof of the statement. I mean that --

A I don't think you can object. I think this is a sworn statement. I don't mean to be ugly, but I've told you --

Q I'm sorry, but there was --

A This is not something you can object to, ma'am.
This is a sworn statement we're taking.

Mr. Sandler. Just wait a minute.

Ms. Lynch. I just take issue with the speculation that the fact that Siegelman and Scrusy were later tried together is proof of the --

Mr. Sandler. I don't think she said that.

Mr. Broderick-Sokol. She believes it's true.

The Witness. After watching it happen, but I did not know.

Ms. Lynch. Could I ask the court reporter to read that back to us?

[The reporter read back the question.]

Ms. Lynch. So I'm not sure if I -- I'll just ask the question again since I interrupted the answer the last time.

BY MS. LYNCH:

Q Why did you not either report to the Bar or include in the affidavit the statement by Rob Riley that both Scrusy and Siegelman would be tried together -- I think as you said it -- because a lot of people disliked Mr. Scrusy, and this was a way to get Governor Siegelman? Can you explain why you didn't report it to the Bar or include it in the affidavit?

A Rob said that was the plan. I didn't know if that was true or not. But I -- and so I didn't report it. I

mean, you know, that's what he told me.

Q And why was that statement alone not enough to cause you -- you know, did that not cause you concern?

A He said that -- in that conversation, he said that he believed they were going to be able to prove that Mr. Scrushy illegally gave money -- just like I said when I answered his -- to Mr. Siegelman. That's why it didn't cause me to pause. I mean, if they could prove a criminal act, I had no reason to report it to the Bar. But I mean, it concerned me about Fuller, and I told Rob, I said in that conversation, and I said, You know, I don't think Fuller can hear that based on the facts he told me. He said, Oh, we'll see. And that was basically it.

Q Okay.

A I didn't know if there was anything ethical bad or not. If they're guilty?

Q So if -- strike that.

A This is not a strike, is it?

Mr. Sandler. Wait for questions.

BY MS. LYNCH:

Q I was striking me saying the word "if".

A Okay. That's what I was trying to figure out. I'm sorry. I was trying to figure out, is she striking something I said or not? Anyway.

Q Okay. I'm going to fast-forward a little bit to, I

guess, February of this year. We earlier admitted or marked Exhibit 6, which is a DVD videotape of the KKK rally.

A Yes.

Q And could you just remind me again, when did you receive that?

A A couple weeks ago. I can't say exactly how long ago, but I mean it has been within the last month.

Q Okay. So maybe let's just say sometime in mid- to late August or early September of 2007 is probably when you received it?

A That is correct.

Q And you have said that you received it from I guess what we'll just describe as like an anonymous source who is associated with the -- I'm sorry. Which police department is it again?

A Scottsboro.

Q Scottsboro Police Department.

In describing a telephone call with Mr. Art Leach, who I believe is one of Mr. Scrusby's attorneys, you said that you described to him the KKK rally and the telephone call of November 18 to him on the phone. And it was in that conversation where he asked you if there were other things that you knew about. And I believe what your answer was, was that you didn't feel comfortable telling him about anything to deal with Judge Fuller because you couldn't

document it, you couldn't corroborate it?

A I didn't tell him anything about Judge Fuller at all.

Q The reason why you did that is because you didn't feel comfortable doing it --

A I didn't know if it was truth. I didn't know Mark Fuller at all. I just knew what Rob had told me.

Q But you stated earlier what you did mention to Mr. Leach at that time was that there were videotapes of the rally, and you knew of those videotapes?

A I told Mr. Leach that I knew of pictures, and I may have mentioned -- I knew of pictures and who had pictures. And I probably told him that I saw video people that day -- as I recall I told him that -- but I did not know who they were.

Q So you -- while you were taking pictures at the rally, you saw people videotaping the rally?

A Right. But -- and I think I also told him that I thought that the Klan Watch people with Morris Dees videotapes all things, all Klan things. But I didn't know any video -- who the videotapers were.

Q You also mentioned -- I apologize if I'm jumping around. I'm just kind of going through my notes. But you said that you were reluctant -- you didn't want to do an affidavit.

A I didn't want to do an affidavit.

Q Right.

A And that's why I researched that judge so extensively.

Q Can you explain to me, I guess, why did you not want to do an affidavit but you felt comfortable doing extensive research on a Federal judge and putting a letter on -- writing a letter to, I guess, Mr. Leach on your letterhead about that judge?

A I -- well, that's a good question. But the thing is this, is here's where I'm at. I tell Joe Espy my story. Basically Joe Espy tells me I have an ethical duty, he thinks. I call the board to check out if I have an ethical duty. I talk to Art Leach, who basically wants me to do an affidavit. I knew the Bar had told me I had an ethical duty. I knew I knew those things on Judge Fuller. So I decided to tell Art Leach that. And my thinking at the time was that if I gave them all the facts, maybe they wouldn't include me. And when I met with them the first time -- because I met two times with Scrushy's bunch -- I said, Y'all go after the judge. Y'all don't have to have an affidavit from me. And that's what I did. And here's the stuff.

Q So your thinking at the time was that -- I don't want to misspeak for you, so please correct me if I'm wrong.

But you didn't want to have your name associated with the -- you know, the telephone call and what was later put in your affidavit. Is that what you were reluctant to do?

A I didn't want to get involved in this, but I had gotten involved. I had, unfortunately, stepped into it in the fall when I told Joe Espy about those pictures, and then when he asked me about those pictures further, and I didn't --

Q If you didn't want to be involved, why did you do rather extensive research on Judge Fuller?

A I realized after I talked to the Bar that if they were going to subpoena me one way or the other, and I knew that about the judge, and I thought that if they would take the information that I had about the judge-- let me answer -- I thought if they would take the information that I had on the judge and file something, I might not ever have to do an affidavit. So I gave them everything I knew on the judge.

Q So your thinking was that -- you were going to be subpoenaed by whom and for what case?

A In Mr. Scrusby's case, probably.

Q Because of the information that --

A On the telephone. But when I gave them the judge, they went after that full speed and left me alone 'til the judge didn't rule on their behalf. And then I realized I

was going to be back involved in it.

Mr. Bollinger went ahead and gave an affidavit, because I had told him 2-1/2 years ago. Mark had been the executive assistant to the Attorney General.

Q Okay, let's stop right there. I'll come back to Mr. Bollinger.

A Okay.

Q So I'm a little confused. I just want to clear this up. That you did the research on Judge Fuller and wrote a letter to Art Leach, who was Mr. -- one of Mr. Scruschy's attorneys, because you've -- I guess I'm confused on what -- for what reason you thought that Mr. -- or, excuse me, on what reason you thought you were going to be subpoenaed. You presumed you were going to be subpoenaed about the telephone call?

A Yes. From just things that had been said. And I wrote this -- if you read this letter, I wrote it as though -- I didn't tell them I had personal knowledge on it. I wrote it as though I didn't, because I didn't want them to say, Well, how do you know this? And I was real careful not to indicate any personal knowledge. And I thought if they got sidetracked on that, they'd leave me alone.

[Discussion off the record.]

BY MS. LYNCH:

Q So I guess I'm still -- I'm having a hard time

understanding --

A I've answered this half a dozen times. I can't make you understand. I don't mean to be ugly, but I can't.

Q With all due respect, let me just try one more time and then we'll move on. Okay. You have expressed an ongoing reluctance to put into an affidavit the telephone -- the telephone call of November 18, 2002. And you have said it's because you did not -- you just didn't want to be involved, and you didn't want your name associated with it. You didn't want to be involved in this at all, which I can appreciate. But I have to say I'm having a hard time correlating that to the fact that you then took it upon yourself to do research on a Federal judge and then, you know --

A I wanted them off me and I wanted them on him. I just wanted them off me. And it's like me telling you your dress is ugly, you know what I'm saying, when you're asking me a question I wouldn't necessarily want to answer. I just thought I would distract -- I would just give them the judge.

Q You were giving them something in exchange for maybe not doing the affidavit or to avoid having --

A No, ma'am. They did not ask me to do that. I just -- I mean, out of the blue, it's just like you saying -- you asking me a question I don't want to answer;

oh, by the way, your dress is ugly. I just distracted them from me when I sent that was my thinking at the time.

Q Okay.

A And I knew about those facts, I mean, but I was just trying to throw them off onto something else and get them to leave me alone.

Q Were you concerned at the time that drafting that letter might involve you in how they would use the letter? And just for the record, I'm referring to the letter --

A When I wrote the letter, I wrote it as general as possible without saying, This is what I know. You know -- I just wrote them, You need to -- you need to know the following facts.

Q That's fine. So I guess what I'm asking, you weren't concerned that you might somehow become involved in what they would do with this information?

A I was already concerned that I was involved and they weren't going to let go of me, you know what I'm saying? Because they -- the Bar had told me I had to report this.

Q In regards to this letter, which is Exhibit 7, dated February 15, 2007, to Art Leach, I believe you mentioned earlier that you asked Mr. Bollinger -- is it Mark, is that his first name?

A Yes.

Q You asked Mr. Bollinger to run some sort of

financial?

A An AutoTrack?

Q An AutoTrack. Mr. Bollinger is a client of yours?

A Uh-huh.

Q And you asked him to run a financial track on a Federal judge; is that correct?

A Yeah.

Q Okay. And --

A After --

Mr. Sandler. There's no question. Don't answer.

BY MS. LYNCH:

Q And you also said that Mr. Bollinger said to you that he was the person who, I guess, made the initial contact with Mr. Siegelman. Did you have a conversation with Mr. Bollinger -- he says, I'm going to call Mr. Siegelman?

A No. I told Mr. Bollinger about -- I wanted an AutoTrack. Mark Bollinger, after he ran the AutoTrack, talked -- I told him -- he asked me why I was running it. And he called Don Siegelman on his own accord, not at my recommendation.

Q I think you said earlier he told you he was going to call Mr. Siegelman. So were you aware that he was going to call him?

A No. Mark Bollinger called Don Siegelman and then

called me at my home, just like I told this gentleman down here. And the thing is that is when he called me at my home, he told me that Don Siegelman was going to be calling me, and I'm like, Why, you know, is he calling me?

Q Okay. So how well do you know Mr. Bollinger? Obviously he's a client of yours. But how long have you known him?

A Approximately 3, 3 1/2 years.

Q And is that the -- a length of time that you have represented him?

A Yes. I've known of him probably 15 years, because his uncle is an investigator, but known him 3, 3-1/2 years. You know what I'm saying. So of him is a different story.

[Discussion off the record.]

BY MS. LYNCH:

Q So you just stated that you've known Mr. Bollinger for about 3-1/2 years?

A Really known him, yes.

Q Really known him. Okay. And he is, I guess, the CEO of --

A Global Disaster Services.

Q Thank you. Global Disaster Services.

Have you ever been employed by Global Disaster Services?

A I do work for them.

Mr. Sandler. You said "employed" as opposed to being retained?

BY MS. LYNCH:

Q In something other than -- you said you have your own law practice and one of your clients is Global Disaster Services. But have you ever been on -- aside from being paid legal fees, have you ever been on the payroll of Global Disaster Services?

A I have never received a check from Global Disaster Services.

Q Okay.

A Wait. I take that back. He might have written one \$1,000 check one time to my secretary. So -- but it wasn't to me. And he may have paid a copy cost. But to me as a fee, I have never received a fee check from Global Disaster Services.

Q And so you've known him for 3-1/2 years, and is that how long you've represented the company?

A No. I formed the company for him. I did the company for him on -- in August, I think, of 2005. I'm not certain the date. But I did -- I did a corporation for him, but I --

Q Okay. So you've known him a little bit longer than the corporation has been in existence.

A I do want to say on the record, in case anybody

reads this, Mark Bollinger has said I can talk about what we're here on. He gave me the right to send the paperwork that I sent y'all. So that anybody who reads that understands I'm not -- I'm not telling anything Mark didn't tell me would be okay.

Q So you mentioned that -- so Mr. Bollinger contacted former Governor Siegelman after having a conversation with you and running this financial track?

A Yes.

Q And then also later --

A And I was not happy that he did that.

Q And subsequent to that, you had a conversation again with Mr. Siegelman while he was at Mr. Bollinger's house?

A That is correct.

Q That's correct? Okay. So if you know, how would you characterize Mr. Bollinger's relationship with Mr. Siegelman? I mean, are they friends? Are they --

A I think they knew each other when Mark was in Montgomery. I never heard of Don Siegelman coming to Mark's house. But he showed up at some point in April or May or March wanting me to go to the Artur Davis deal.

Q That was of this year?

A That was of this year, and they called me.

Q What was -- you said the Artur Davis deal. Was that a meeting or a fundraiser or --

A I think it was some kind of -- I think that they were having some kind of fundraiser. But I don't know. I don't even know that Artur Davis was there. I just know that somebody was having a political thing and Artur Davis was mentioned of having been involved in whatever kind of deal, because they told me they were going to that fundraiser or event. And I don't know, I don't think Mark went. I think Siegelman did. But you'd have to ask him. I just -- Siegelman just showed up at his house or his office, and I think he showed up at his office. I think I told him that earlier. It was either his house or his office.

Q Okay. Let's see. Just a few more questions about -- on the affidavit and when you actually completed it on May 21, 2007.

You stated earlier that you ultimately did swear out the affidavit because you thought it was the right thing to do. Can you expand upon that? Why then, why suddenly May 21, 2007, did you think it was the right thing to do?

A I will tell you, I researched Fuller, you know, when Art Leach asked me, 'til the point of really looking up what Rob said about Fuller. I didn't know if that was true or not. Once I did the research on it, just as far as pulling those particular facts up, I realized we had a problem with a Federal judge, because I don't think our Federal judge should be --

Mr. Sandler. Wait a minute. Wait a minute. She asked about the affidavit.

BY MS. LYNCH:

Q I'm asking about the affidavit.

A I know. But this is part of it. I did not think that what he was doing was right, being a Federal judge and being in a closely held corporation for a Federal judge in government contracting was right. Additionally, I watched him when they sealed -- they filed -- Mr. Scrusby's team, when they filed the paperwork.

Mr. Sandler. When you say "paperwork," are you talking about the motion to recuse?

The Witness. The motion to recuse. He sealed the evidence, and I read the papers where he got out and spoke, but had them sealed where they couldn't speak, and the prosecutor spoke. And I just thought that this is not right, and I went ahead and I did the affidavit on the phone call. But I still would not do it on the judge because I was -- I knew that you're not really supposed to say disparaging remarks about judges. And I told them at the time, I will do this affidavit and if y'all subpoena me, I will answer the questions on the judge. And that's what I told them.

Q So you were prompted to swear out an affidavit about the phone call based upon --

A I wasn't prompted by anybody.

Q You were self-prompted. You yourself felt compelled to swear out the affidavit, finally --

A I felt that it was the right thing to do.

Q Can I please finish my question? Thank you very much.

You felt it was time to swear out the affidavit about the telephone call on May 21, 2007, because of the increasing -- it sounds like you were having increasing concerns about Judge Fuller on -- and I'm curious to know, at what point does this ethical rule that Alabama has about not speaking disparagingly about a judge become superseded by concerns you have about a judge? I mean, you've described several different conversations, or learned of several different things involving Judge Fuller --

A I don't understand your question because you've said so much. Give me a question, and I'll answer it.

Q All right. The first question is, I don't understand how concerns about Judge Fuller prompted an affidavit about the phone call. Can you explain that connection to me?

A Say that one more time?

Q That concerns about Judge Fuller and his role in this case, as I believe you said a few minutes ago, was what --

A Well, that --

Q That prompted you to ultimately do the affidavit?

A That is one part of it. Mark Bollinger also swore out an affidavit in addition, and he did it before I did it and telling what I had told him about this. And I knew that I was going to be in court anyway, and I'd rather get my whole story out as to exactly what had occurred, because I never have seen his affidavit. I don't know what he said at this point, still.

Q Okay.

A So --

Mr. Sandler. Hold on a second.

The Witness. It was the judge and Mark Bollinger doing the affidavit. It was both things.

BY MS. LYNCH:

Q That's fine. We'll just clarify that it was a combination of --

A It was a combination of things.

Q Mark Bollinger swearing out his own affidavit, okay, that ultimately prompted you to --

A I've never seen his affidavit. They say he's done one, but I don't even know if he has because I haven't seen it. But he told me he had done one for Don Siegelman, and I think that's why Don visited him.

Q That's fine. That's fine. And I'm sorry if I'm

repeating myself. I just want to clarify one last time, and then we'll move on, that you did not include any information about Judge Fuller in your affidavit because you felt that it would have been in conflict with ethical rules about how to deal with a judge. Is that a fair characterization?

A I did not want to put a judge -- if anybody was going to question me about a judge, they were going to have to subpoena me. That's how --

Q So you didn't want to put anything about Judge Fuller in writing?

A That's exactly right.

Q And you stated earlier that after the affidavit was completed, that Mark Bollinger met you at the attorney's office in Georgia?

A No, he did not meet me at the attorney's office.

Q Where did he meet you?

A I was in Trenton, which is where I did the affidavit. But I got done 30 minutes before -- 15 to 30 minutes before he did. And there's a town called Rising Fawn. He met me at Rising Fawn, Georgia. He came a different way than I'd come.

Q That's fine. That's fine. So did you -- I guess -- strike that.

Why was Mark Bollinger, I guess, the first person that you gave the affidavit to?

A Mark had told me he had done an affidavit for Don.

Q For Don --

A Siegelman.

Q Siegelman. Just wanted to make sure.

A And he said that -- and he had told me that. And so anyway, I called him up and just said, I'm going ahead and doing an affidavit if you've already done one. And I went ahead and did my affidavit. And anyway, I told him that -- I said, Since I'm doing my affidavit, I want y'all to pick it up in Georgia. And I mean -- and that's the case.

Q Did you have an -- did you have an idea of what would happen to it after Mark Bollinger picked it up? Did you know who he was going to give it to or where he was going to take it?

A I called Richard Scrusby because Mark told me on -- when I called Mark, Mark told me that he would come pick it up, but he wasn't taking it down to Birmingham. And I called Richard Scrusby's office, because I had left a message that I was going ahead and doing the affidavit that day before I left, and -- or had done it for John Aaron, I think, but I'm not sure. And anyway, the thing is this, is I talked -- ended up Richard answered, and I don't know, I think I called the cell phone that they pass around in that bunch -- but I ended up with Richard Scrusby and he said that he had -- he would get ahold of John Aaron, and John

Aaron would get it from Mark.

Q So your understanding is that Mark would give it to John?

A Aaron?

Q Aaron.

A I was trying to call John Aaron but somehow got Richard --

Q So your understanding is that you gave the affidavit to Mark Bollinger, who in turn would give it to John Aaron, who would then in turn give it to Richard Scrushy?

A And also to Don Siegelman.

Q And also to Don Siegelman. So is it your understanding that Mr. Aaron would deliver it both to Mr. Scrushy and Mr. Siegelman?

A Yes.

Q Okay.

A In fact, I -- sorry. It's tempting. But I mean, I know. Strike that "in fact," I guess.

Mr. Broderick-Sokol. We'll do the open mike session at the end.

Mr. Sandler. Exactly.

[Discussion off the record.]

BY MS. LYNCH:

Q Did you give a copy of your affidavit to members of the press?

A No.

Q Do you know how your affidavit ended up with members of the press?

A I have absolutely no idea. I think -- I know who I gave it to, but I mean as far as knowing how the press got it, I have no idea how they delivered it to them.

Q I know there have been some press reports that are focusing a lot of attention on the portion of your affidavit that refers to Karl. And I apologize, I don't have the news article in front of me. But I guess one -- strike that.

Let me ask it this way: Why did you ultimately swear out the affidavit? It's my understanding that there was concern -- your initial or your primary concern --

A I've already stated that and answered that like 10 times. I don't mean to be ugly but --

Q I'm going a different -- it may sound like I'm starting the same, but I'm going on a different track.

It's my understanding that you initially swore out the affidavit out of concerns about a possible conflict of interest on the part of Terry Butts?

A I did state that, but it disturbs me also about Terry Butts.

Q Okay. But so would it be -- is that the primary reason why you swore out that affidavit or is it just --

A That wasn't the sole reason.

Q Okay. So the information in the affidavit about a conversation with Karl and the Justice Department was also a reason for swearing out the affidavit?

A They asked me to do an affidavit on a particular date on a particular set of events that had happened. That's why I did -- I mean, I've told you the reasons already. But the thing is this, is that is the reason for the specifics of that affidavit is I detailed out what occurred in that phone call.

Q Okay. And just to clarify again, that they would be --

A Mr. Scrusby's legal team and then Don Siegelman asked me, you know, on that first phone call.

Q Okay, let's see. I guess just a couple more questions.

Aside from the telephone conversation that you outline in your affidavit on November 18, 2002, do you have any personal knowledge of communications between the White House or the Department of Justice and -- well, I'll start first with acting U.S. Attorney Louis Franklin.

A Do I have knowledge about Louis Franklin talking to the White House?

Q Uh-huh.

A No.

Q Okay, that's fine. I'm not looking for anything

more than that.

Do you have personal knowledge of any communications between the White House or Department of Justice and Assistant U.S. Attorney Steven Feaga. Let me spell that last name. F-E-A-G-A.

A No.

Q And do you have any personal knowledge of communications between the White House or Department of Justice, again specifically regarding the Siegelman-Scrushy prosecution with U.S. Attorney Leura Canary?

A Ask that question one more time so that I can hear that question.

Q Personal knowledge of communications between the White House or the Department of Justice regarding the Siegelman-Scrushy prosecution with U.S. Attorney Leura Canary?

A I know that Rob told me in that conversation -- Ms. Duncan. Personal knowledge.

Mr. Sandler. Personal knowledge.

The Witness. No.

BY MS. LYNCH:

Q And I would ask the same question, too, of personal knowledge of conversations between the White House or the Justice Department and Governor Riley.

A All I know is what Rob told me. So, no.

Mr. Broderick-Sokol. Limited to the Siegelman-Scrushy --

BY MS. LYNCH:

Q For the Siegelman-Scrushy prosecution.

A I just know Rob told me. But as far as if that counts as personal knowledge -- but I did not hear a conversation of Bob Riley talking, Bob Riley talking. Bob Riley did not tell me that.

Q Well, I think that's it for me.

Mr. Broderick-Sokol. I have no redress. Do you have anything?

Mr. Sandler. You said Ms. Simpson, as the Chairman said, will have an opportunity to review the transcript before it's released to the members of the committee, I guess, for purposes of the investigation?

Mr. Broderick-Sokol. I think that would be released outside the committee,

Mr. Sandler. Okay.

Mr. Broderick-Sokol. I don't think we can agree to keep it from members of the committee.

Ms. Lynch. We can't keep it from members while you edit it.

Mr. Broderick-Sokol. And we can -- and really that will depend -- getting the corrected version, that will depend on how quickly you guys get it back with those

corrections.

The Witness. Like I said, I flip-flopped. And it might not be bad to go ahead and state for the record I flip-flopped at Perry Hooper from what my lawyer tells me was a Democrat. I was nervous at the start. He's not a Democrat.

Mr. Broderick-Sokol. It's down now. You can send that page.

[Whereupon, at 4:30 p.m., the committee was adjourned.]

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September 6, 2007

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472 South Lawrence, Suite 204
Montgomery, AL 36104

Dear Ms. Duncan:

This letter follows up on discussions you have had with my staff regarding Ms. Jill Simpson's agreement to be interviewed on topics related to the criminal prosecution of former Alabama Governor Don Siegelman.

As you have discussed with my staff, the interview will take place at 12:30 pm on Friday, September 14, 2007, and will be conducted in the Judiciary Committee office at 2138 Rayburn House Office Building. It will be transcribed, and will be taken under oath. Questions will be asked of Ms. Simpson by only two people – a member of the Committee majority staff and a member of the Committee minority staff – although additional members of the Committee staff will likely be present.

Ms. Simpson will have an opportunity to review and correct her interview transcript before it is released, and will receive a copy of the transcript when it is final. In addition, the transcript will be kept confidential and will not be disclosed except pursuant to the Chairman's decision after consultation with Ranking Member Smith and with you. My staff has discussed these terms and conditions with Ranking Member Smith's staff, and we understand that Mr. Smith will write you agreeing to these terms as well.

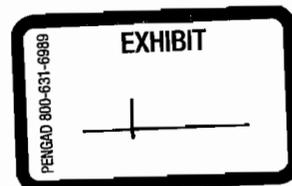
I hope this description is useful to you and Ms. Simpson in advance of next week's interview. If you have any questions, please do not hesitate to contact my office or Sam Sokol (202-225-2129) of the Committee staff. And thank you once again for your and Ms. Simpson's cooperation in this matter.

Sincerely,



John Conyers, Jr.
Chairman

cc: Hon Lamar S. Smith



Sokol, Sam

From: Jezierski, Crystal
Sent: Wednesday, September 12, 2007 2:26 PM
To: 'helzphar@mindspring.com'
Cc: Sokol, Sam
Subject: Re: September 14, 2007, Interview of Jill Simpson

It was not communicated to us by you or the majority that Ms. Simpson had already agreed to a total of 3 individuals each that would be present for the majority and the minority.

We will participate then with a total of three persons being present at any one time.
Crystal Roberts Jezierski
202 226 8684 direct
703 899 0355 cell
Crystal.Jezierski@mail.house.gov

-----Original Message-----

From: Priscilla Duncan <helzphar@mindspring.com>
To: Jezierski, Crystal
Sent: Wed Sep 12 13:17:11 2007
Subject: RE: September 14, 2007, Interview of Jill Simpson

The majority already has agreed, and these were the terms under which Miss Simpson agreed to do the interview.

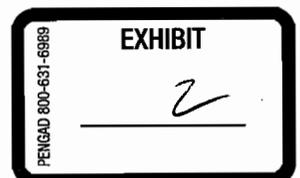
----- Original Message -----

From: Jezierski, Crystal <mailto:Crystal.Jezierski@mail.house.gov>
To: helzphar@mindspring.com
Cc: Sokol, Sam <mailto:sam.sokol@mail.house.gov>
Sent: 9/12/2007 8:30:36 AM
Subject: RE: September 14, 2007, Interview of Jill Simpson

Ms. Duncan - I can understand her concerns. As a practical matter, the interview process really is quite controlled among staff. All those who are in the room are the staff that are assigned to work on these issues for the Committee and for the Committee's members. We, the minority on the Committee, would have some concerns about not allowing appropriate staff for our subcommittee ranking members to be able to participate as observers because they must be in a position to be able to consult with the member they work for on the matters we are investigating. I am not suggesting that there not be a limit, but perhaps a higher number of 4 or 5 individuals.

From: Priscilla Duncan [mailto:helzphar@mindspring.com]
Sent: Tuesday, September 11, 2007 6:12 PM
To: Jezierski, Crystal
Cc: Sokol, Sam
Subject: Re: September 14, 2007, Interview of Jill Simpson

Miss Simpson objects to any more than three persons from either staff being present, as she agreed initially. She is concerned that the place will be flooded with people passing notes to the questioner and it becoming a distraction. I am sending this objection to the majority as well. Priscilla Duncan.



----- Original Message ----- From: Jezierski, Crystal
<mailto:Crystal.Jezierski@mail.house.gov>

To: helzphar@mindspring.com

Sent: 9/11/2007 3:52:05 PM

Subject: Re: September 14, 2007, Interview of Jill Simpson

Ms. Duncan,

Per our telephone conversation of 2:30 this afternoon, the purpose of this email is to confirm for you that staff for the Minority Members of the Committee on the Judiciary of the U.S. House of Representatives will participate in an interview of your client, Ms. Jill Simpson, on Friday, September 14, 2007, at 12:30 p.m. in Washington, D.C. at the Committee's offices, 2138 Rayburn House Office Building. This email is also to confirm that all staff agree to the terms stated in correspondence from Chairman Conyers to you, transmitted to you on September 6, 2007. (A copy of that letter is attached.)

As stated in the September 6, 2007, letter Ms. Simpson will be interviewed by Committee staff and the interview will be transcribed and under oath. We agree that questions will be asked by two persons, one on behalf of the Majority Members and one on behalf of the Minority Members. However, as Chairman Conyers' letter states additional members of the Committee's staff will likely be present. As I informed you on the telephone we anticipate that Caroline Lynch, Counsel for the Minority Staff of the Crime Subcommittee, will question Ms. Simpson on behalf of our members. We also anticipate that Daniel Flores, Chief Counsel for the Minority Staff of the Subcommittee on Commercial and Administrative Law, and I will be present for the interview. It is possible that additional staff representing the Committee Members, other than the above named, will also be present.

We also understand that Ms. Simpson will have an opportunity to review and correct her interview transcript before it is released, that she will receive a copy of the transcript when it is final, and that the transcript will be kept confidential and will not be disclosed except pursuant to the Chairman's decision after consultation with Ranking Member Smith and you.

Please do not hesitate to call me if you have any questions.

<<090607 to p duncan re jill simpson.pdf>>

Sincerely,

Crystal Jezierski

Crystal Roberts Jezierski

Chief Counsel for Oversight and Investigations

Committee on the Judiciary

Minority Staff

Representative Lamar Smith, Ranking Member

U.S. House of Representatives

B-351 Rayburn House Office Building

Washington, D.C.

(202) 226-8684 direct

(703) 899-0355 cell

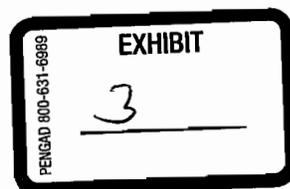
Crystal.Jezierski@mail.house.gov

STATE OF GEORGIA)
)
COUNTY OF DADE)

AFFIDAVIT

Jill Simpson, being duly sworn, deposes and says:

1. I am over the age of eighteen and of sound mind;
2. I have personal knowledge of the facts herein;
3. During the 2002 Alabama's Gubernatorial campaign I assisted the Bob Riley Campaign when they requested help on matters in Northeast Alabama;
4. On November 5, 2002, the election for Alabama's Governor was held and Bob Riley was declared the winner;
5. Bob Riley won by approximately 3,120 votes;
6. Don Siegelman contested the results of the election and refused to concede;
7. On or about the week after the election, I was asked to find out why Bob Riley's campaign signs were disappearing in Northeast Alabama;
8. I found out a Jackson County attorney was putting the Bob Riley signs up in an area where a Ku Klux Klan rally was to take place in Jackson County, Alabama on November 16, 2002;
9. As proof that this was a trick by this attorney, who I believed to be a Democrat, I took pictures on a disposal camera of this attorney putting up the signs;



SIMPSON 1

10. On Monday after taking the pictures I had a case in Jackson County and had a chance to encounter the attorney that I had seen putting up the signs. At this encounter he was showing pictures that he had taken of the signs to other attorneys there in the court house and I asked to see them. He allowed me to see the pictures and when I asked he gave me a couple of the photos and told me that these pictures were on a web site. The attorney was trying to suggest the Klan had a rally and the Klan was supporting Bob Riley, and after getting the pictures I left the courthouse and I placed a call to Rob Riley, Bob Riley's son, on my cell phone and informed him of the pictures and the information regarding the missing campaign signs and the web site. After I spoke with Rob he told me they had been getting calls about the internet site and were trying to determine where the pictures had come from;

11. Throughout the day of Monday, November 18 there were multiple calls to me from Rob Riley and other people about the pictures I had taken and the trick this attorney who I believe to be a Democrat was trying to pull;

12. I, Rob Riley, William "Bill" Canary and Terry Butts were participants in one of the calls;

13. During the call Rob Riley was upset about the pictures and internet trick and wanted to go to the press but was told by Terry Butts that he would confront Siegelman regarding the signs and get him to withdraw his contest of the election and he believed that Don Siegelman would concede by the ten o'clock news when confronted with these pictures and the internet so as to avoid any embarrassment to Don Siegelman. Terry claimed that he would be able to assure Don that this would all be over if he would concede;

14. Rob Riley asked about Siegelman being a problem in the future if they did not go to the press, but he was told by William "Bill" Canary not to worry about Don Siegelman that "his girls would take care of him" and at this time the election contest needed to be put behind them to let Terry talk to Don and get him to concede;

15. William "Bill" Canary identified "his girls" as Leura Canary, his wife, and Alice Martin, the U.S. Attorney for the Middle and Northern District's of Alabama;

16. Rob Riley then asked if he was sure these "girls" could take care of Don Siegelman and William "Bill" Canary told him not to worry that he had already gotten it worked out with Karl and Karl had spoken with the Department of Justice and the Department of Justice was already pursuing Don Siegelman;

17. Arrangements were made with me for me to meet a campaign worker of Bob Riley's to give the photos that I had received from the attorney in Jackson County and to give the disposal camera since I had not developed the pictures I had taken. I gave the photos and the disposal camera to the campaign worker.

18. Late that afternoon of November 18, 2002, I was called by Rob Riley and told Terry Butts had talked with Don Siegelman and that Don Siegelman would be resigning before the ten o'clock news;

19. Don Siegelman gave up his contest of the Alabama Governor's Election the night of November 18, 2002.

20. I did not realize until this past fall when I was having a conversation with Joe Espy that Don had never told his attorney why he conceded on November 18, 2002.



FOR BILLING INQUIRIES CALL 1(256)899-9000
 DANA JILL SIMPSON
 (256)899-3600 10007203 B 1
 BILLING DATE 12/15/2002

ge 2

FARMERS WIRELESS DETAIL OF ITEMIZED CALLS

DATE	CONT	TC	TO PLACE AND NUMBER	MIN	AIR	LD	AMOUNT
CROSS-BILLED FROM 256-899-3601							
11-16	1:08pm	WL AT	RAINSVILLE AL 256 717 9131	1.0			.00
11-19	8:30am	WL AT	RAINSVILLE AL 256 638 4894	1.0			.00
11-19	12:33pm	WL AT	RAINSVILLE AL 256 638 3816	1.0			.00
11-21	8:41am	WL AT	RAINSVILLE AL 256 638 4894	2.0			.00
11-21	1:09pm	WL AT	DIR ASST AL 256 411 0000	3.0		0.75	.75
11-21	1:12pm	WL AT	SCOTTSBORO AL 256 259 2262	1.0			.00
11-21	1:24pm	WL AT	DIR ASST AL 256 411 0000	1.0		0.75	.75
11-21	1:26pm	WL AT	DIR ASST AL 256 411 0000	2.0		0.75	.75
11-21	1:27pm	WL AT	SCOTTSBORO AL 256 259 5211	2.0			.00
11-21	6:31pm	LW AT	INCOMING CL 256 899 3601	5.0			.00
11-25	6:55pm	WL AT	FORT PAYNE AL 256 845 8841	1.0			.00
11-25	6:56pm	WL AT	FORT PAYNE AL 256 996 2540	1.0			.00
11-26	7:46am	WL AT	RAINSVILLE AL 256 638 5556	1.0			.00
12-04	10:17am	WL AT	FORT PAYNE AL 256 996 5844	2.0			.00
12-04	10:18am	WL AT	POLEY AL 251 979 3623	2.0			.00
12-04	10:29am	WL AT	FORT PAYNE AL 256 996 5837	2.0			.00
12-05	9:54am	WL AT	RAINSVILLE AL 256 638 4894	1.0			.00
12-05	1:27pm	WL AT	RAINSVILLE AL 256 638 4894	1.0			.00
12-05	1:32pm	WL AT	ARAB AL 256 317 7902	1.0			.00
12-05	1:33pm	LW AT	INCOMING CL 256 899 3601	2.0			.00
12-05	1:36pm	WL AT	RAINSVILLE AL 256 638 4894	1.0			.00
12-05	5:27pm	WL AT	RAINSVILLE AL 256 638 4894	1.0			.00
12-05	5:28pm	WL AT	RAINSVILLE AL 256 638 2908	1.0			.00
12-05	6:51pm	WL AT	RAINSVILLE AL 256 638 2908	1.0			.00
12-07	1:00pm	WL AT	ARAB AL 256 317 7902	3.0			.00
12-10	8:41am	WL AT	RAINSVILLE AL 256 638 4894	5.0			.00
12-11	2:11pm	WL AT	RAINSVILLE AL 256 638 4894	1.0			.00
12-11	2:34pm	WL AT	RAINSVILLE AL 256 717 9131	6.0			.00
12-12	12:37pm	WL AT	RAINSVILLE AL 256 638 4894	2.0			.00
12-12	7:31pm	WL AT	BIRMINGHAM AL 205 254 6956	7.0			.00
12-13	7:52am	WL AT	RAINSVILLE AL 256 638 4894	1.0			.00
256-899-3601 31 CALLS FOR 69.0 MINUTES =							2.25
CALLING AREA BIRMINGHAM FOR 256-899-3601							
11-17	1:01pm	WL AT	BIRMINGHAM AL 205 836 5424	1.0			.00
12-06	6:34pm	WL AT	ARAB AL 256 317 7902	4.0			.00
12-06	6:51pm	WL AT	RAINSVILLE AL 256 638 2908	8.0			.00
3 MESSAGES FOR 13.0 MINUTES =							.00
CALLING AREA HUNTSVILLE FOR 256-899-3601							
11-19	1:07pm	WL AT	RAINSVILLE AL 256 638 4894	6.0			.00
11-19	2:02pm	WL AT	FORT PAYNE AL 256 845 2250	9.0			.00
2 MESSAGES FOR 15.0 MINUTES =							.00
CALLING AREA GUNTERSVILLE FOR 256-899-3601							
11-19	1:56pm	WL AT	RAINSVILLE AL 256 638 4131	2.0			.00
1 MESSAGE FOR 2.0 MINUTES =							.00
CALLING AREA SCOTTSBORO FOR 256-899-3601							
11-18	10:52am	WL AT	BIRMINGHAM AL 205 870 9866	11.0			.00
1 MESSAGE FOR 11.0 MINUTES =							.00
SUBTOTAL FOR 899-3601							2.25





BILLING INQUIRIES CALL (256)638-2144
SIMPSON JILL ATTORNEY
(256)638-4894 32990 D 26 NP
BILLING DATE 12/01/2002

INDICATOR LEGEND

Table with 2 columns: TC, TYPE OF CALL. Rows include DD DIRECT DIAL - DAY RATE and FT FLD Enhanced Plan.

FARMERS LD, INC. CHARGES AND CREDITS

Summary table for FARMERS LD, INC. CHARGES AND CREDITS. Includes FLD ENHANCED PLAN (4.95), TAX- FEDERAL EXCISE TAX (.15), ALABAMA STATE TAX (.30), and FARMERS LD, INC. CHARGES & CREDITS (5.40).

FARMERS LD, INC. DETAIL OF ITEMIZED CALLS

Main table of itemized calls with columns: DATE, CONT, TC, TO PLACE AND NUMBER, MIN, AMOUNT. Lists call details from 10-21 to 11-19.

50 MESSAGE(S) FOR 197.0 MINUTE(S)

LAW OFFICES
OF
ROBERT R. RILEY, JR.

1806 OXMOOR ROAD
BIRMINGHAM, ALABAMA 35209

TELEPHONE (205) 870-9866
FAX (205) 877-9272

ROBERT R. RILEY, JR.
FOSTER F. MARSHALL

June 11, 1998

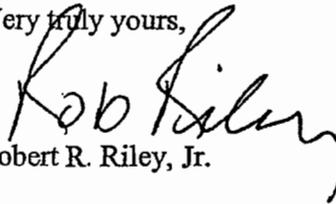
Ms. Jill Simpson, Esq.
Post Office Box 341
Rainsville, Alabama 35986

RE: [REDACTED]

Dear Jill:

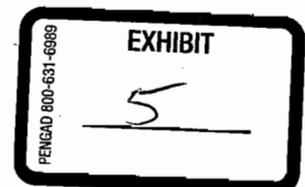
I spoke with [REDACTED] regarding a potential medical malpractice case. She explained to me that her damages were that she lost eight weeks of sick leave and was in pain for eight weeks. However, it appears that this would be the only damage she would have. As such, I told her that I simply could not bring such a lawsuit for that type of damage. I assured her that I was not stating whether it was malpractice or not, and did not blame her for being upset, but I could not justify bringing that case.

Very truly yours,



Robert R. Riley, Jr.

RRRjr/ded



SIMPSON 558

LAW OFFICES
OF
ROBERT R. RILEY, JR.

1806 OXMOOR ROAD
BIRMINGHAM, ALABAMA 35209

ROBERT R. RILEY, JR.
KEITH JACKSON*
*also licensed to practice in Georgia

TELEPHONE: (205) 870-9866
FAX: (205) 877-9272

September 8, 1999

Jill Simpson, Esq.
Attn: Marie
Post Office Box 341
Rainsville, Alabama 35986

Re: [REDACTED]

Dear Marie:

Please have [REDACTED] sign the enclosed Release and Distribution Sheet and return it to me.

Very truly yours,



Robert R. Riley, Jr.

RRRjr/trh

Enclosure

LAW OFFICES
OF
ROBERT R. RILEY, JR.

1806 OXMOOR ROAD
BIRMINGHAM, ALABAMA 35209

ROBERT R. RILEY, JR.
KEITH JACKSON*
*also licensed to practice in Georgia

TELEPHONE: (205) 870-9866
FAX: (205) 877-9272

September 23, 1999

Jill Simpson, Esq.
Attn: Marie
Post Office Box 341
Rainsville, Alabama 35986

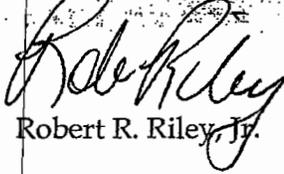
Re: [REDACTED]

Dear Marie:

Please find enclosed a check in the amount of Seven Thousand Nine Hundred Sixty Eight and 23/100 Dollars (\$7,968.23) for the referral of [REDACTED]

Thank you for referring her to me.

Very truly yours,


Robert R. Riley, Jr.

RRRjr/trh

Enclosure

LAW OFFICES
OF
ROBERT R. RILEY, JR.

1806 OXMOOR ROAD
BIRMINGHAM, ALABAMA 35209

TELEPHONE: (205) 870-9866
FAX: (205) 877-9272

ROBERT R. RILEY, JR.
KEITH JACKSON*
*also licensed to practice in Georgia

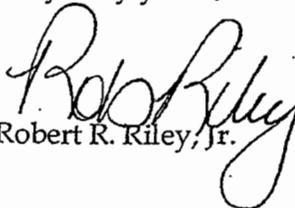
April 6, 2000

[REDACTED]
[REDACTED]
Scottsboro, Alabama 35768

[REDACTED]
Dear [REDACTED]

Please call me when you have an opportunity. The Defendants have now offered you \$23,000.00 to settle your case. This is up from their last offer of \$14,000.00. I believe they will likely pay \$25,000.00 but I do not believe they will pay anymore. I look forward to hearing from you.

Very truly yours,


Robert R. Riley, Jr.

RRRjr/trh

cc: Jill Simpson, Esq.

RILEY & JACKSON, P.C.
ATTORNEYS AT LAW

ROBERT R. RILEY, JR.
*KRITH JACKSON
*ALSO LICENSED TO PRACTICE IN GA

September 14, 2001

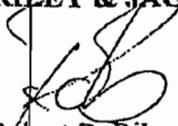
Via Facsimile No.: (256) 845-4696

Mr. Stephen Bussman
212 Alabama Avenue South
Post Office Box 660925
Fort Payne, Alabama 35967

Dear Stephen:

██████ and I agreed when Jill and I met with him in Jill's office that he would pay me \$250/ per hour for my time negotiating with his creditors, reviewing his appeal, and any other work on this matter. Please list me as a creditor on his bankruptcy petition if he files for a bankruptcy and we do not have a contingency agreement with him. I have 14.5 hours in this matter, or \$3625.00 in fees. I am attaching along with this letter a breakdown of the work that has been performed from August 31, 2001 through September 12, 2001. I hope to see you soon,

Very truly yours,
RILEY & JACKSON, P.C.


Robert R. Riley, Jr.

RRRjr/tb

cc: Jill Simpson, Esq. (Via Facsimile)

RILEY & JACKSON, P.C.
ATTORNEYS AT LAW

ROBERT R. RILEY, JR.

*KEITH JACKSON

*ALSO LICENSED TO PRACTICE IN GA

October 29, 2001

OF COUNSEL:

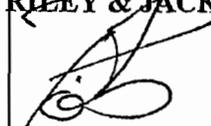
FRANCOIS M. BLAUDEAU
MD, FCLM

[REDACTED]
[REDACTED]
Section, Alabama 35771

Dear [REDACTED]

I believe things are developing well in our attempts to help you recover the amount you are owed as a result of your work on the [REDACTED] project. However, it is very important that I receive the breakdown of your costs as soon as possible. I am hoping to go to Washington, DC soon to discuss this matter with several individuals. However, I must have this information before I leave.

Very truly yours,
RILEY & JACKSON, P.C.


Robert R. Riley, Jr.

RRRjr/tb

cc: Jill Simpson, Esq.
Steve Bussman

RILEY & JACKS, P.C.

1744 Oxmoor Road
Birmingham, AL 35209

Tel: 205-879-5000

Fax: 205-879-5901

Date: May 2, 2002
To: Jill Simpson, Esq.
Fax No.: (256) 638-4895
From: Robert R. Riley, Jr.
Subject:

Number of Pages Including Cover Page:

Comments:

CONFIDENTIALITY NOTICE

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5/2/02 10:10 AM

May 1, 2002

Dear [REDACTED]:

I am attaching a copy of the statement that [REDACTED] made before the City Council on April 2, 2001. I have highlighted and underlined the areas that I think you would be most interested in using.

Also, I read the depositions that your office sent to me yesterday. There was very little I found that we could use. However, [REDACTED] states on Page 34 of his first deposition that it was the City's decision not to grind and burn. At the beginning of [REDACTED] second deposition he speaks to how the City chose [REDACTED] over [REDACTED] and the fact that initially the City wanted to use [REDACTED] (who was the lowest bidder per cubic yard) but [REDACTED] said that since [REDACTED] had not previously done this type of work, he did not think that Mr. Cannon should be awarded the contract. (Page 6-7).

[REDACTED] does go on to say that they initially recommended [REDACTED] for the work but then decided instead to use DMC.

Most of the other depositions address the issue as to how they decided to use [REDACTED] as well, but none of the depositions set forth our case as well as what the Mayor says in his Statement to the City Council in my opinion.

Also, do we have any evidence of other contracts that would be similar to [REDACTED] other cities where similar amounts have been paid. It is my recollection that [REDACTED] had mentioned to me once before that other companies were paid similar amounts for similar work.

I am also sending the [REDACTED] meeting video to you by federal express.

May 2, 2002

I think your letter is very good. Here are some additional thoughts that I have:

- 1) Attach a copy of the transcribed conversation between [REDACTED] and [REDACTED] in which [REDACTED] tells [REDACTED] that he is aware that [REDACTED] does not have the lowest bid contract and furthermore approves the right for the City to enter into that contract. Also, [REDACTED] states in the conversation that he has "ran it by the IG," and they didn't have a problem with it. [REDACTED] specifically states in the conversation "we're not going to come after you for not taking the lower bid." I think this would be a great exhibit to the letter.
- 2) Add a copy of the transcript from [REDACTED] videotaped statement that he made before the City Council on April 2, 2001. Also, I sent by FedEx a copy of the videotape to you yesterday.
- 3) On the last paragraph under question #1, you may want to add that the subcontractor claims that have been filed exceed two million dollars. Also, I would delete the reference to the recent depositions taken in litigation since there is [REDACTED] that helps us and some of the testimony would hurt us. For instance, [REDACTED] stating in his deposition that he did not believe [REDACTED] should be paid any additional money.
- 4) I think it would also be good to highlight again that [REDACTED] has been a respected business for 25 years and it is only because of this recent denial by FEMA that they have had to enter into bankruptcy.
- 5) In the last paragraph under question #4, you may want to consider adding the fact that there were estimates that there was as many as one million stumps.
- 6) Under question #5, you may want to highlight that the City originally wanted to use [REDACTED] who was the lowest bidder, but FEMA encouraged the City to not use [REDACTED] based on his inexperience in these types of disasters. Also, you may want to highlight again the fact that [REDACTED] was the only contractor willing to give a substantial amount of work to minority contractors.
- 7) [REDACTED] states that FEMA informed him that they would not pay the full amount due to the fact that he did not use the lowest bid. If this is the case, then FEMA should clearly lose on this position since they agreed in a tape recorded conversation that [REDACTED] did not have to take the lowest bid. If, as I understand it, their primary argument now is that [REDACTED] should not be paid because the burning and grinding was not done which would have decreased the amount of material that would be hauled outside the city, then I think you should reference in your letter the section in your

appeal that addresses this issue on page 21 that deals with this issue.

- 8) You may also want to consider adding the fact the City did pay an additional \$9.11 on approximately 26,000 cubic yards further underlining that the City understood that was the amount they agreed to pay.
- 9) [REDACTED] ask me to remind you that getting [REDACTED] to agree to receive \$2.00/cubic yard was a great deal for FEMA since other landfills were charging \$8.00 - \$10.00/cubic yard.

To: Rob Riley

I e-mailed this to [redacted], Karl, and Stewart today
Rob

To: dmcмикemilcell@aol.com

I have been talking with Robbie from Hutchinson's office. He has offered to try to get the Senator to send this letter. Below are some changes that he has made to a draft letter I sent to him. He believes that the Senator will approve the letter and send it out today or tomorrow. I asked him to copy it to Shelby, Sessions and Aderholt. Stewart, if the Alabama gang gets a copy of this letter, do you think we can get another letter from them to Allbaugh responding to Hutchinson's letter? I sent Robbie copies of the documents referenced below so he feels comfortable sending the letter.

May 23, 2002

Mr. Joe Allbaugh
Director
Federal Emergency Management Agency
500 C Street, Southwest
Washington, D.C. 20472

Dear Mr. Allbaugh:

As you are aware, the [redacted] has submitted an appeal to have the contract they entered into with [redacted] funded at the contract rate it agreed to pay [redacted] for work done in 2001. It is my hope that you will direct those overseeing this appeal within the Federal Emergency Management Agency (FEMA) to grant the appeal being made by the city. Officials from the city as well as [redacted] recently met with FEMA representatives here in Washington, DC. I wanted to make you personally aware of the some issues that were brought forth during this meeting.

- 1) At this time, more than \$2,000,000.00 in claims have been made against the [redacted] by subcontractors who were not paid by [redacted] because [redacted] did not receive the amount that the [redacted] had contracted to pay this company. [redacted] has consequently been forced into bankruptcy.
- 2) A FEMA document exists that shows that FEMA monitored the project, was aware of the contract price at the beginning of the project, and understood the scope of work that was being performed. This is documented in a FEMA Field Summary Report.
3. After FEMA arbitrarily reduced the amount of the contract between the [redacted] from \$19.18 per cubic yard to \$10.00 per cubic yard, [redacted] spoke by telephone with Mr. Joe Bray, the FEMA representative who was largely responsible for reducing the amount [redacted] received from \$19.18 to \$10.00 per cubic yard. In that conversation, which was recorded, Mr. Bray admitted that [redacted] should have been paid \$19.18 per cubic yard, which is the amount of the contract with the [redacted].

Based on the facts that (a) the [redacted] is being sued for over \$2 million by subcontractors (who are local residents) who have not been paid for work rendered, (b) FEMA was aware of the amount that was to be paid and the scope of the work that was being done pursuant to the contract (it is now my understanding that FEMA is stating that the scope of the contract is in question, something I find difficult to believe since FEMA monitored the work being done), (c) a FEMA representative stated after the amount was reduced from \$19.18 to \$10.00 that [redacted] should have actually been paid the full \$19.18, I do not understand why FEMA is continuing to deny payment on this claim. The city was acting in good faith and was not acting maliciously. It is for these reasons, I ask that FEMA look favorably on the [redacted] appeal.

With kind regards,

Sincerely,

SIMPSON 550

RILEY & JACKSON, P.C.
ATTORNEYS AT LAW

ROBERT R. RILEY, JR.
*KEITH JACKSON
*ALSO LICENSED TO PRACTICE IN GA

OF COUNSEL:
FRANCOIS M. BLAUDEAU
MD, FCLM

September 16, 2002

VIA FACSIMILE - 256-638-4895

Jill Simpson, Esq.
P. O. Box 341
Rainsville, Alabama 35986

RE: [REDACTED]

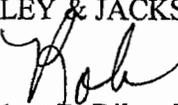
Dear Jill:

I have reconsidered the wrongful death case that [REDACTED] wants to bring on behalf of the estate of his grandchild. We are not in a position to prosecute this case due to the fact that I do not believe it would be a strong case since either [REDACTED] or his wife would be the administrator. I know we have discussed this in the past and that you and [REDACTED] believe that it is a case that could be won even with him or his wife serving as administrator. I may very well be wrong on this matter, but I do not want to proceed under that arrangement.

Since I do not have an open file in my office, I am uncertain as to when the statute of limitation will run, but I know from our discussions that it is soon. Also, I know that you had indicated that you had other attorneys that you felt would file the case and I am happy that there is someone that will be pursuing this case. I do hope that you are able to recover on the case.

Finally, please know how much we appreciate you sending us cases and I am sorry that we are not going to be able to assist on this particular matter.

Very truly yours,
RILEY & JACKSON


Robert R. Riley, Jr.

RRR,jr/msd

cc: [REDACTED]

SIMPSON 526

RILEY & JACKSON, P.C.
ATTORNEYS AT LAW

ROBERT R. RILEY, JR.
*KEITH JACKSON
*ALSO LICENSED TO PRACTICE IN GA

OF COUNSEL:
FRANCOIS M. BLAUDEAU
MD, FCLM

November 25, 2002

VIA CERTIFIED MAIL
Certified Mail No. 7000-0520-0020-6721-0697

COPY

[REDACTED]
Sylvania, AL 35988

Dear Ann and Scott:

I hope this letter finds both of you well. It was a pleasure meeting [REDACTED] at Jill Simpson's office recently. I also understand that Cat has spoken with [REDACTED] regarding the injuries he received that may have been caused by the collision.

We have undertaken extensive research and discussion with physicians, including our counsel Dr. Blauveau, regarding the medical possibility of the collision causing [REDACTED] ulcer or [REDACTED] hiatal hernia or diverticulitis. Unfortunately, the information we have been able to gather clearly indicates that we will never be able to prove that these injuries are related to the collision. At trial, we would bear the burden of proof on this matter. It would not be sufficient to suggest that it is just as likely that the injuries were caused by the collision as it is they were not. Rather, we would have to prove by a preponderance of the evidence that the injuries were caused by the collision. We do not believe we will be able to do so based upon the information we have learned during our investigation.

Without these injuries at issue, it does not make sense for either of you to hire us to pursue this claim for you because it will ultimately cost more to have us involved than it would cost for you to settle the claim without our involvement. If Rob or I believed that we could add value to your claim by being involved, we would certainly pursue this matter on your behalf. We also have to make economic decisions regarding which claims we can handle and the value of those claims, however, and it does not appear that it makes good economic sense for us to be involved in your claim.

As a result of the foregoing, we are closing our file on this matter and are releasing you from any contract with us. Please understand that different attorneys sometimes view matters in a different way. If you are still interested in having an attorney help you with this matter, you should speak with Jill as soon as possible. **You have 2 years from the date of the accident within which**

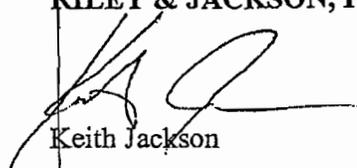
[REDACTED]
November 25, 2002

Page Two

to bring a lawsuit. If you do not bring a lawsuit within that time, you will be barred from doing so forever. Therefore, you should not hesitate in speaking with Jill if that is your plan.

Thank you for giving us the opportunity to evaluate these claims for you. We wish you the best of luck. With best regards,

Very truly yours,
RILEY & JACKSON, P.C.



Keith Jackson

KJ/cat

cc: Jill Simpson, Esq.

SIMPSON 562

RILEY & JACKSON, P.C.
ATTORNEYS AT LAW

ROBERT R. RILEY, JR.
*KEITH JACKSON
*ALSO LICENSED TO PRACTICE IN GA

OF COUNSEL:
FRANCOIS M. BLAUDEAU
MD, FCLM

July 18, 2003

Ms. Jill Simpson, Esq.
Post Office Box 341
Rainsville, Alabama 35986

RE: [REDACTED]

Dear Jill:

I am enclosing your referral fee for the [REDACTED] claim and a copy of the Distribution Sheet. I felt I had no choice but to reduce the attorneys' fees given the [REDACTED] condition and the circumstances of this matter. Thank you for sending the [REDACTED] to us. With best regards,

Very truly yours,
RILEY & JACKSON, P.C.

Rob Riley / cat
Robert R. Riley, Jr.

RRRjr/cat

Enclosures

RILEY & JACKSON, P.C.
ATTORNEYS AT LAW

ROBERT R. RILEY, JR.
*KEITH JACKSON
*ALSO LICENSED TO PRACTICE IN GA

OF COUNSEL:
FRANCOIS M. BLAUDEAU
MD, FCLM

October 23, 2003

Jill Simpson, Esq.
P.O. Box 341
Rainsville, AL 35986

Re: [REDACTED] et al. v. City of Scottsboro, et al.

Dear Jill:

I hope you are doing well. I am enclosing a check in the amount of \$1,250.00 for the referral fee for [REDACTED] in the above-referenced matter. I am still waiting for the Releases from [REDACTED] and will forward your fee upon receipt. Steve Kennamer is in the process of filing the Estate of [REDACTED] and once he receives his Letters of Administration, we will be able to finalize her settlement as well.

Very truly yours,
RILEY & JACKSON, P.C.

Robert R. Riley, Jr. /cat
Robert R. Riley, Jr.

RRRjr/cat
Enclosure

RILEY & JACKSON, P.C.
ATTORNEYS AT LAW

ROBERT R. RILEY, JR.
*KEITH JACKSON
*ALSO LICENSED TO PRACTICE IN GA

OF COUNSEL:
FRANCOIS M. BLAUDEAU
MD, FCLM

May 17, 2004

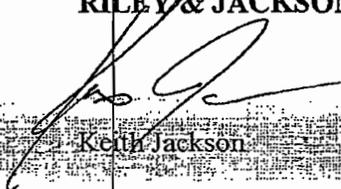
Jill Simpson, Esq.
P. O. Box 341
Rainsville, Alabama 35986

Re: [REDACTED]

Dear Jill:

I am enclosing your referral fee for [REDACTED] Thank you for sending [REDACTED] to us. With best regards,

Very truly yours,
RILEY & JACKSON, P.C.


Keith Jackson

KJ/kas

Enclosure

Exhibit 6

Exhibit 6 is a DVD identified during the interview of Jill Simpson. *See pages 38-40 of interview transcript.*

For more information, please contact the press office of the House Committee on the Judiciary at 202-225-3951.



DANA JILL SIMPSON
ATTORNEY AT LAW
P.O. BOX 341
RAINSVILLE AL 35986
256-638-4891 telephone
256-638-4895 facsimile

February 15, 2007

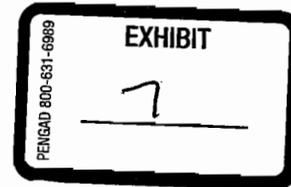
Art Leach, Esquire
678-624-9852

Dear Mr. Leach,

I am sending you some corporate records. It appears your judge in your Mr. Scrusby case has extra curricular activities that he has failed to disclose on his judicial disclosure form. You can get a copy of his disclosure at judicial watch. One example is his professional aviation training service corporation located in Alabama. I have attached a copy of the secretary of state records that shows he dissolved this corporation on or about July 3, 2006. I find this interesting since this was shortly after his other corporation Doss Aviation Inc., received a contract from the United States Air Force in the amount of one hundred seventy eight million dollars awarded to him in May 2006 for providing in flight training school services for the United States Air Force. Additionally if this comes as some what of a surprise to you, Mr. Fuller's corporation Doss Aviation Inc. has over thirty million dollars a year in contracts already in place for providing fuel maintenance to the Air Force, Navy and Department of Defense. Further Mr. Fuller has a corporation called Doss of America which has a subsidiary running out of it and sometimes running out of Doss Aviation Inc. depending on whatever seems appropriate at the time that is making military clothing and other government clothing for the United States Government which is called Aureus International and this subsidiary is not disclosed on his judicial disclosure form as a separate entity.

Furthermore, you can check with the Colorado Secretary of State and discover that Mr. Fuller owns 43.75% of the stock in a privately owned corporation named Doss Aviation Inc., and is listed as the CEO and Chairman of the Board of Directors of said corporation.

It is interesting to note that his judicial disclosure forms do not mention that he is the CEO and Chairman of the Board of Directors of Doss Aviation Inc. Further he is the largest stockholder and the second largest stockholder is a former law partner. It appears that we have a federal judge who is also a large federal defense contractor. Art, after researching what I have told you and looking at the documents that I have sent, you might want to look at 5-U.S.C. App. 501 – 505. You also might want to look at 18 U.S.C. 201-216. Additionally you may want to look at the United States Judicial



Conferences Code of Conduct as regards judges' rights to set as directors and officers of corporations.

I hope that these documents assist you in getting a new trial for Mr. Scrusby and the old trial completely thrown out.

After researching Mr. Fuller quite extensively it is somewhat surprising that he never told anyone that he is a federal contractor. I believe this to be contrary to the laws that govern a federal judge. I am sure you never imagined that Mr. Fuller was involved in such endeavors. The most surprising thing of all is that Mr. Fuller appears to have been receiving a large portion of his information at his office at One Church Street, Montgomery, Alabama. I am sure you realize that is the federal court house as that is the address he gave to the Secretary of State in his corporate documents.

I have additional records available but I was not sure if your fax machine held enough paper to send everything.

Good luck with your endeavors.

Sincerely,

A handwritten signature in cursive script that reads "Jill Simpson".

Jill Simpson

DJS/ms

678-624-9852

Dear Mr. Leach,

I am sending you some corporate records. It appears your judge in your Mr. Scrushy case has extra curricular activities that he has failed to disclose on his judicial disclosure form. You can get a copy of his disclosure at judicial watch. One example is his professional aviation training service corporation located in Alabama. I have attached a copy of the secretary of state records that shows he dissolved this corporation on or about July 3, 2006. I find this interesting since this was shortly after his other corporation Doss Aviation Inc., received a contract from the United States Air Force in the amount of one hundred seventy eight million dollars awarded to him in May 2006 for providing in flight training school services for the United States Air Force. Additionally if this comes as some what of a surprise to you, Mr. Fuller's corporation Doss Aviation Inc. has over thirty million dollars a year in contracts already in place for providing fuel maintenance to the Air Force, Navy and Department of Defense. Further Mr. Fuller has a corporation called Doss of America which has a subsidiary running out of it and sometimes running out of Doss Aviation Inc. depending on whatever seems appropriate at the time that is making military clothing and other government clothing for the United States Government which is called Aureus International and this subsidiary is not disclosed on his judicial disclosure form as a separate entity.

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SIMPSON 767